

**MARICOPA COUNTY BOARD OF SUPERVISORS MINUTE BOOK**

**FORMAL SESSION  
June 18, 2003**

The Board of Supervisors of Maricopa County, Arizona convened at 9:00 a.m., June 18, 2003, in the Board of Supervisors' Auditorium, 205 W. Jefferson, Phoenix, Arizona, with the following members present: Fulton Brock, Chairman, District 1; Andy Kunasek, Vice Chairman, District 3; Don Stapley, District 2, Max W. Wilson, District 4, and Mary Rose Wilcox, District 5. Also present: Fran McCarroll, Clerk of the Board; Shirley Million, Administrative Coordinator; David Smith, County Administrative Officer; and Paul Golab, Deputy County Attorney. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**INVOCATION**

Tom Buick, Director of Transportation and County Engineer, delivered the invocation.

**PLEDGE OF ALLEGIANCE**

Al Macias, Communications Director, led the assemblage in the Pledge of Allegiance.

**GARRY HAYS APPOINTED TO THE BOARD OF ADJUSTMENT**

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley and unanimously carried (5-0) to approve the appointment of District 1 nominee Garry Hays, to the Board of Adjustment. The term of the appointment will be from date of Board approval through February 5, 2006. (Addendum item A-1.) (C06030209) (ADM3409-001)

Fran McCarroll, Clerk of the Board, administered the Oath of Office. Mr. Hays responded that he appreciated the experience this appointment would provide to him and thanked the Board for the opportunity to serve. Chairman Brock related that Mr. Hays is a graduate of the ASU Law School and that he holds a seat on several Boards of Directors for different organizations in the County.

**CODE ENFORCEMENT REVIEW OF CASE FOR MICHAEL L. THEISEN – CONTINUED**

Chairman Brock announced that oral arguments would now be heard in the Board's review of the Hearing Officer's Order of Judgement in Zoning Code Violation Case No. V2002-00881 against Michael L. Theisen who was represented by Kent M. Nicholas, Attorney. (ADM3417-17)

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (5-0) to continue this item to the July 2, 2003, meeting at the request of Mr. Nicholas who cited improper notification as the cause.

**PUBLIC HEARING - ENVIRONMENTAL SERVICES HEALTH CODE**

Chairman Brock announced a public hearing to consider the following proposed revisions to the Maricopa County Environmental Health Code as follows: (ADM2101)

- a) **Chapter I (Fee Schedule) of the Maricopa County Environmental Health Code.** The code amendments will reflect recent changes to the Arizona Department of Environmental Quality Delegation Agreement and to recover fees for services. These revisions will increase fees collected by \$966,519. Prior to acquiring Board of Health approval, information and public comments were gathered, then incorporated into the proposed revisions via department-initiated stakeholder meetings, and

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In addition, the department requested that the Board of Supervisors direct the Office of Management and Budget (OMB) to review, analyze and make a recommendation on the Environmental Services Results Initiative Requests (RIR's) for FY 2003-2004, for expenditures associated with the above fee increase. (C88030247) (C88030357)

- b) **Chapter II (Sewage and Wastes) Section 5 (Refuse Collection and Disposal Services) of the Maricopa County Environmental Health Code.** The code amendment will reflect a change for maintaining an oversight program in granting of refuse collection frequency variances needed by cities offering recycling programs. Prior to acquiring Board of Health approval, information and public comments were gathered, then incorporated into the proposed revisions via department-initiated stakeholder meetings. (C88030397)

Al Brown, Director of Environmental Services, explained that this item includes the recovery fee increases for services provided by the department in water and waste programs as well as a revision in the health code to allow inspections on refuse containers to proceed. The money generated from the fee increase will be used to allow the department to hire necessary staff to enable them to get and then to keep current with the One-Stop-Shop Program. Mr. Brown said that the department is currently the "weak link in the chain" with a serious backlog of cases. Pressure is being applied by other agencies in the One-Stop-Shop for Environmental Services to get current. He said this would incur a staff increase of nine FTE's. When asked how far behind they are, Mr. Brown responded that the current processing time for a typical septic tank permit is approaching eight weeks. He added that the One-Stop-Shop processing time is closer to three weeks.

Supervisor Stapley indicated that he had gotten calls from constituents complaining about the long delays and agreed that eight weeks is definitely not an acceptable processing time and needs to be rectified. He said that he supports all three remedies as requested.

No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve the changes and directives as noted above and detailed below.

**CHAPTER I  
MARICOPA COUNTY HEALTH CODE  
FEE SCHEDULE - Effective June 18, 2003  
Permits, Inspections, Plans Examination**

<b><u>PERMIT REQUIRED</u></b>	<b><u>2 Yr. FEE</u></b>
Adventure Food Service	380.00
Bakery	420.00
Bottled Water & Beverage Plants	500.00
Chemical Toilets	3.10 per unit
Eating & Drinking Establishment (0-9 Seating Cap.)	290.00
Eating & Drinking Establishment (10+)	520.00
Food Catering	380.00
Food Jobber	310.00
Food Processor	370.00
Ice Manufacturing	540.00
Landfill	900.00
Meat Markets	390.00

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Pet Shops	210.00
Public Accommodations	280.00
Retail Food Establishments	
Grocery	300.00
Damaged Foods	410.00
Refrigerated Warehouse/Locker	580.00
Pools	
Hydro Therapy Pool	150.00
Wading Pool	150.00
Swimming Pool	200.00
Trailer Parks	72.00
	+2.20/space
Vending Machines	190.00
Water Transportation	80.00
<b><u>PERMIT REQUIRED</u></b>	<b><u>1 Yr. FEE</u></b>
Food Peddler	120.00
Mobile Food Unit	175.00
Senior Citizen Center Food Service	200.00
Food Banks	100.00
Day Care Center Food Services	135.00
Push Cart	105.00
Refuse Hauler	120.00 Per Vehicle
Non-Hazardous Liquid Waste Hauler	175.00 per vehicle
School Ground	75.00
Group Homes	320.00
Service Kitchen	70.00
School Food Service Permit	260.00
Miscellaneous Food	70.00
<b><u>PERMIT REQUIRED</u></b>	<b><u>1 Yr. FEE</u></b>
Water System Operating Permit - Community	
Greater Than 100,001 Pop.	5100.00
Plus For Each Well Site	100.00
Plus For Each Treatment Plant	1400.00
10,001 - 100,000	2700.00
Plus for each well site	100.00
Plus for each treatment plant	1200.00
1,001 - 10,000	1800.00
Plus for each well site	100.00
Plus for each treatment plant	1000.00
101 - 1,000	400.00
Plus for each well site	100.00
25 - 100	150.00
Plus for each well site	100.00
Water System Operating Permit – Non-Community	
Greater Than 1001 Pop	350.00
Plus for each well site	
25 - 1000	100.00
Plus for each well site	100.00
Waste Treatment Works Operating Permit	2100.00
Reuse Facility Operating Permit	300.00

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Individual On-site Treatment Plant Operation Permit	100.00
Refuse Collection Variance Container Permit	
1 to 25,000 Containers	875.00
25,001 to 50,000 Containers	1,750.00
50,001 to 100,000 Containers	3,500.00
100,001 to 200,000 Containers	7,000.00
200,001 to 300,000 Containers	10,500.00
300,001 to 400,000 Containers	14,000.00
400,001 to 500,000 Containers	17,500.00
500,001 to 600,000 Containers	21,000.00

**PLAN REVIEW FEE SCHEDULE**

	<b><u>Initial</u></b>	<b><u>Maximum</u></b>
Eating & Drinking Establishment (0-9 Seating Cap.)	250.00	750.00
Mobile Food Units	65.00	65.00
Food Establishments	350.00	750.00
Pet Shops	175.00	375.00
Public Accommodations	300.00	630.00
Schools Food Service	350.00	750.00
School Facilities other than Food (Grounds)	250.00	750.00
Swimming Pool (Size Sq. Ft.)	200.00	840.00
1001 - 2000	680.00	2040.00
2001 - 9999	795.00	2385.00
Greater than 10,000	1050.00	3165.00
Swimming Pool Pump Test	125.00	375.00
Swimming Pool Variance	200.00	
All Other Plans (Minor Remodels)	150.00	750.00
<u>Design/Build Plan Submittal</u> (Requires prior administration approval) Two times Plan Review Fee		
<u>Phased Plan Submittal</u> (Requires prior administration approval) Two times Plan Review Fee		
<u>Expedited Plan Review Fee</u> twice the fee for that category. (Requires prior administration approval)		
Water Plant Include Constr. Insp.		
Treatment Plants >1 Mgd	3000.00	12000.00
Treatment Plant .1 Mgd TO 1 Mgd	1500.00	7500.00
Treatment Plants < 99,999 Gal/Day	1000.00	5000.00

**PLAN REVIEW FEE SCHEDULE**

	<b><u>INITIAL</u></b>	<b><u>MAXIMUM</u></b>
Waste Treatment Works Include Constr. Insp.		
> 1 Mgd	3000.00	12000.00
.1 Mgd TO 1 Mgd	1500.00	7500.00
<100,000 Gal./Day	1000.00	5000.00
MAG 208 Certification	150.00	750.00
Experimental Project Approval Including Four (4) Quarterly Inspections	300.00	5000.00
Water System Blending Plans	150.00	750.00
Refuse Collection Variance Plan	150.00	750.00
Non-Hazardous Liquid Waste Transfer Pad Plan	150.00	750.00
Waste Water Reuse	250.00	1500.00
Ground Water Recharge	250.00	4000.00
All Other Plans	150.00	750.00
		<b><u>Flat Fee</u></b>
Approval of Sanitary facilities for a Subdivision of 150 lots or less.		300.00

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The fee specified above applies to each phase of a Subdivision of 150 lots or less. If a Subdivision includes more than 150 lots, the fee applies to each multiple group of 150 or less (e.g., a proposal for a Subdivision of 350 lots would require a fee of \$300 plus \$300 and \$300 for a total flat fee of \$900.00)

Trailer Coach Park facilities of 100 leased spaces or less.	250.00
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The fee specified above applies to each group of 100 spaces or less. If a facility includes more than 100 spaces, the fee applies to each multiple group of 100 or less (e.g. a facility of 300 spaces would require a fee of \$250 plus \$250 and \$250 for a total flat fee of \$750.00).

Review of on-site wastewater soils and hydrology report representing a group of 50 or less proposed lots (or 40 acres) whichever, is the lesser in area.	300.00
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The fee specified above applies to each group of 50 or less proposed lots. If a facility includes more than 50 spaces, the fee applies to each multiple group of 50 or less (e.g. a facility of 120 lots would require a fee of \$300 plus \$300 and \$300 for a total flat fee of \$900)

Review of plan for public water supply distribution line (including extensions) and associated appurtenances for a system group of 150 connections or less.	250.00
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The fee specified above applies to each group of 150 or less proposed connections. If a facility includes more than 150 connections, the fee applies to each multiple group of 150 or less (e.g. a facility of 200 connections would require a fee of \$250 plus \$250 for a total flat fee of \$500)

Transfer of Ownership/Subdivision Name Change of Previously Approved Subdivision	200.00
Master Plan Review and Approval	500.00
Well Site Review and Approval	350.00
Storage Tank (Atmosphere and / or Pressurized)	350.00
Water Booster Station	350.00
Sewer Lift Station	350.00

**Sewer Collections Systems** (Including Extensions) and Associated Appurtenances

Gravity Sewer only, with manholes	
Serving 50 or less Connections	500.00
Serving 51 to 300 Connections	1000.00
Serving 301 or more Connections	1500.00
Forced mains including gravity sewer components	
Serving 50 or less Connections	800.00
Serving 51 to 300 Connections	1300.00
Serving 301 or more Connections	1800.00

**Types of on-site Wastewater Treatment Facilities\***

Septic Tank/Conventional Disposal, Less than 3000 gal./day	300.00
Aerobic system with subsurface disposal	800.00
Composting toilet, less than 3000 gal./day	400.00

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Septic tank with 1 additional alternative element**	800.00
Septic tank with more than one additional alternative element**	800.00
Plus 250 per element	
On-site wastewater treatment facility with flow from 3000 gal./day to less than 24,000 gal./day	1800.00
*These include up to two (2) plan reviews and three (3) construction inspections.	
**These alternative disposal elements are all for systems of less than 3000 gal./day and include the following: Pressure distribution systems; gravelless trenches; natural seal evapotranspiration beds; lined evapotranspiration beds; Wisconsin Mounds: Engineered Pad Systems; Intermittent Sand Filters; Peat Filters; Textile Filters; Ruck® Systems; sewage vaults; aerobic systems/subsurface disposal; aerobic systems/surface disposal; cap systems; constructed wetlands; sand lined trenches; disinfection devices; sequencing batch reactors; subsurface drip irrigation systems.	
On-Site System, site inspection	125.00
On-Site System, Site Inspection and Domestic Well Approval	150.00
On-Site System, Alteration Permit	75.00
On-Site System, Alteration Permit including one (1) Inspection	140.00
On-Site System, Reconnect/Remodel Review	35.00
On-Site System, Reconnection/Remodel Review including one (1) Inspection	105.00
On-Site System, Plan Revision	70.00
Request for alternative design, installation or operational features	75.00
Design Requiring an Interceptor	\$100.00/Interceptor
Transfer of On-Site System ownership with Status Report	50.00
Abandoned On-Site System Inspection	100.00
Miscellaneous Fees	Fee
Seasonal Food Establishment (120 Days)	190.00
Food Peddler (90 day)	70.00
Observe Percolation Test	150.00
Temporary Food Service Establishment	
Application Received 7 Days Prior To Event	60.00
Application Received Less Than 7 Days Prior To Event	80.00
Plan Reproduction	6.00/sheet
VA, FHA, MHR, etc. Approval	30.00
Duplicated Copy	.50/sheet
Delinquency Fees (Permits) to be charged when annual permit fee is delinquent	
Over 30 days	30.00
Over 60 days	50.00
Food Service Worker License	12.00
Food Service Manager License	12.00
Food Service Worker/Manager License Renewal	12.00
All Others	30.00
Dye Tests	120.00
Domestic Well Approval	65.00
Water System Site Sampling Plan, Emergency Operation Plans, Backflow Prevention Plan or Other Plans	
<b>Community</b>	<b>Fee</b>
Greater than 100,001 Population	\$300/Plan
10,001 - 100,000	\$250/Plan
1001 - 10,000	\$200/Plan
101 - 1000	\$150/Plan
25 - 100	\$120/Plan
Non-Community	

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Greater than 1001 Population	\$150/Plan
25 to 1000	\$120/Plan
New Source Approval Water Quality Review and Report	\$300/Review

The change to Chapter 2, section 5, adds section 4c, which reads,

**“ANY GARAGE COLLECTION FREQUENCY VARIANCE PLANS APPROVED AND GRANTED BY ADEQ OR THE DEPARTMENT SHALL CONTAIN PROVISIONS WHICH INCLUDE RANDOM INSPECTIONS BY THE DEPARTMENT OF AT LEAST 1% OF ALL GARBAGE COLLECTION CONTAINERS.”**

**PUBLIC HEARING - MARICOPA HEALTH SYSTEM – RATE INCREASE**

Chairman Brock called for a public hearing to review and consider a 10% overall rate increase and rates for new services being provided by Maricopa Medical Center to become effective July 1, 2003, and to forward such rate increases to the Director of the Arizona Department of Health Services for their findings, pursuant to Title 36, Chapter 4, Article 3 (Review of Rates), Arizona Revised Statutes, and Arizona Administrative Code §§ R9-11-104 and R9-11-105. The rate increase will result in a net revenue increase of approximately \$2,000,000. The rate increase was approved by the Maricopa Hospital and Health Systems Board on April 24, 2003. (C90030419) (ADM2105)

No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this rate increase as proposed. A copy of these rates is on file in the Office of the Clerk of the Board.

**FIREWORKS DISPLAY APPLICATIONS**

No protests having been received and no speakers coming forth at the Chairman's call, pursuant to A.R.S. §36-1603, motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an application filed by Randy Reyman of ANYPRYO for a Fireworks Display Permit and to approve, contingent on receipt of the certification from the Fire Marshall, the application filed by the Tonopah Valley Community Council for a firework's permit. (ADM66530)

Application filed by Randy Reyman of ANYPRYO for a Fireworks Permit: (ADM665-36)

Organization: Anthem Community Council, Inc.  
Location: Anthem by Del Webb  
Anthem Community Park – an area between Anthem Way, Whitman Drive and Galvin Parkway  
Date: Thursday, July 3, 2003

Application filed by John A. Teixeira for a Fireworks Permit: (ADM665-37)

Organization: Tonopah Valley Community Council  
Location: Tonopah's Ruth Fisher School  
38201 West Indian School Road  
Date: Friday, July 4, 2003

**ROAD DECLARED (ROAD FILE NO. A245)**

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No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032355)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 21<sup>st</sup> day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A 50 foot roadway, together with all appurtenances and easements of record, lying within the Northwest quarter (NW¼) of Section Four (4), in Township One (1) North, Range Seven (7) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, said roadway lies 25 feet on each side of the following described centerline:

Beginning at the Southwest corner of Northeast quarter of the Northwest quarter of the Southeast quarter of the Southwest quarter of the Northwest quarter (NE¼ NW¼ SE¼ SW¼ NW¼) of said Section 4, said corner also being the intersection of the centerlines for 85th Street and Mallory Street; THENCE, Easterly along the south line of said NE¼ NW¼ SE¼ SW¼ NW¼ and the south line of the Northwest quarter of the Northeast quarter of the Southeast quarter of the Southwest quarter of the Northwest quarter (NW¼ NE¼ SE¼ SW¼ NW¼) of said Section 4, to the terminus at Southeast corner of said NW¼ NE¼ SE¼ SW¼ NW¼, being the intersection of centerlines for Mallory Street and 87th Street.

(Said alignment is also known as Mallory Street, from 85th Street to 87th Street, lying in Supervisor District No. 2)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.



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**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 18<sup>th</sup> day of June 2003.

**ROAD DECLARED (ROAD FILE NO. A280)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032365)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 21<sup>st</sup> day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 60 feet, together with all appurtenances and easements of record, said roadway lying within the South half (S½) of Section Eighteen (18), Township Five (5) North, Range Four (4) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The East 30 feet of the Southwest quarter (SW¼) of said Section 18, and the West 30 feet of the Southeast quarter (SE¼) of said Section 18.

(Said roadway also known as 44th Street from Lone Mountain Road to Ashler Hills Drive, in Supervisor District No. 3)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way

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of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 18<sup>th</sup> day of June 2003.

**ROAD DECLARED (ROAD FILE NO. A281)**

No protests having been received and no speakers coming forth at the Chairman's call, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C64032375)

**WHEREAS**, pursuant to A.R.S. §18-201 through 18-203, on the 21<sup>st</sup> day of May, 2003, the County Engineer and others filed with the Board of Supervisors of Maricopa County, Arizona, a petition praying the Board to establish, open and declare as a county highway the following described lines, to-wit:

A roadway of a width of 80 feet, together with all appurtenances and easements of record, said roadway lying within the West half (W½) Section Eighteen (28), Township Six (6) North, Range Three (3) East, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona and is described as follows:

The South 40 feet of the Northwest quarter (NW¼) of said Section 28, and the North 40 feet of the Southwest quarter (SW¼) of said Section 28.

(Said roadway also known as Irvine Road from 7th Street to 12th Street, in Supervisor District No. 3)

**WHEREAS**, the day and hour set by the Board for a public hearing on said petition has arrived, and notice of said hearing has been given to the public by advertising once a week for two consecutive weeks in The Arizona Business Gazette; and

**WHEREAS**, no objections to the establishment, opening and declaration of said highway have been filed; and

**WHEREAS**, the Board believes that the granting of said petition and the establishment, opening and declaration of the highway as prayed for in said petition, are for the best interests of Maricopa County, and said highway is a public necessity;

**NOW, THEREFORE, BE IT RESOLVED** that there is hereby established, opened and declared a county highway, more fully set forth hereinabove, and the County Engineer is hereby directed to make a plat of the survey of said highway and cause the same to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**BE IT FURTHER RESOLVED** that the Board accepts any right-of-way or property donated to the State or County for said highway. The Board hereby accepts all U. S. Patent easement reservations, right-of-way or properties along this alignment into the Department of Transportation's Highway system.

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**BE IT FURTHER RESOLVED** that the County Engineer be directed and authorized, and he is hereby so directed and authorized, to negotiate with owners of parcels of private property required for the right-of-way of said public highway with the view of obtaining for Maricopa County said private property, subject to the ratification and approval of this Board.

**BE IT FURTHER RESOLVED** that the County Attorney be directed and authorized, and he is hereby directed and authorized, to initiate and prosecute actions and proceedings in the manner required by law to condemn all property required for right-of-way which cannot be obtained by donation or purchase.

**DATED** this 18<sup>th</sup> day of June 2003.

**STATE-ASSESSOR MOTOR VEHICLE DIVISION DATABASE ACCESS AGREEMENT AND MEMORANDUM OF UNDERSTANDING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the State-Assessor Motor Vehicle Division Database (MVD) Access Agreement and Memorandum of Understanding (MOU). The Arizona Department of Transportation, Motor Vehicle Division requests that each county assessor office enter into an agreement whereby procedures necessary to assure confidentiality of the personal information contained in MVD database are implemented. The agreement provides access procedures and security provisions that MVD considers necessary before allowing access to its database. The MOU provisions clarify specific elements of the agreement. (C12030052)

**TEMPORARY ADDITION TO THE FLEET OF ONE REDLINED 1997 FORD CROWN VICTORIA**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve authorization for use and a temporary addition to the Assessor's Office fleet of one redlined 1997 Ford Crown Victoria, County Vehicle No. 11726. The annual cost for normal operation and fuel expenses is estimated at \$2,500. The vehicle will be used by appraisal staff in connection with new construction within the county, and eliminate the need for pool vehicles and employees' use of personal vehicles. Once the vehicle has reached the end of its useful life, funding will not be provided by the General Fund for its replacement, and the county's fleet will automatically be reduced. (C1203006M) (ADM3104)

**TRANSFER OF EXPENDITURE AUTHORITY**

Per A.R.S. §42-17106(b), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve transfers of expenditure authority, as follows:

- a) between General Government, Government (470) Fund 210 and the Clerk of the Superior Court (160) Child Support Automation Fund (272). This action will require an expenditure appropriation adjustment decreasing the FY 2002-2003 General Government (470) Fund 210 by \$18,157 and increasing the FY 2002-2003 Clerk of the Superior Court (160) Child Automation Fund (272) by \$18,157. These adjustments will result in a countywide net impact of zero. This action allows The Clerk of the Superior Court to use fund balance for one-time expenditures for completion of software enhancements to the Child Support Calculator Project. (C16030088) (ADM1000-003)

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- b) between General Government (470) Fund 210 and the Clerk of the Superior Court (160) Fill the Gap Fund (218). This action will require an expenditure appropriation adjustment decreasing the FY 2002-2003 General Government (470) Fund 210 by \$300,000 and increasing the FY 2002-2003 Clerk of the Superior Court (160) Fill the Gap Fund (218) by \$300,000. These adjustments will result in a countywide net impact of zero. This action allows the Clerk of the Superior Court to use fund balance for one-time expenditures for the Restitution/Fines/Reimbursement (R./F./R.) system improvements and for expenditures related to the Integrated Court Information System (ICIS) implementation. (C16030098) (ADM1000-003)

#### **TRANSFER OF FUNDS**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the transfer at fiscal year end of an amount not-to-exceed \$2,000 from General Fund-General Government-General Contingency (Fund 100/Agency 470) to the Constable's-General Fund (Fund 100/Agency 250). The transfer will be used to cover FY 2002-2003 actual General Fund fuel costs and mileage reimbursement due to a shortage of County vehicles for this department that cannot be absorbed elsewhere within the budget. (C25030018) (ADM1300-003)

#### **GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve receipt of additional grant funds from the Arizona Criminal Commission for FY 2002-2003 for the Crime Victim Compensation Program in the amount of \$38,810. The Arizona Criminal Justice Commission certification number VC-03-056 funding will terminate on June 30, 2003. The allocated funds may not be expended for any indirect costs that may be incurred by the County Attorney's Office or Maricopa County for the administration of this grant. This amendment will increase the County Attorney's revenue and expenditure for the County Attorney Grant Fund (219) in FY 2002-2003 by \$38,810. Grant revenues are not "local revenues" for the purpose of the constitutional expenditure limitation, and therefore expenditure of the funds is not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditure of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C1902063302)

#### **AMENDMENT TO REIMBURSEMENT AGREEMENT WITH MESA POLICE DEPARTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Amendment No. 1 to the Reimbursement Agreement between the Sheriff's Office and the Mesa Police Department, to increase the reimbursement of salary and employee-related expenses (ERE) for one officer by \$20,627.25 for a total of \$89,735.25. The term of this Reimbursement Agreement is July 1, 2001, through December 31, 2002. This agenda coincides with C50011233, approved on September 19, 2001. The Sheriff's Office is the administering agent for the Bureau of Justice Assistance, Arizona Meth Program grant, and the funding is passed through to sub-agencies. No budget adjustment is required. (C5002043301)

#### **WAIVER TO EMPLOYEE LEAVE PLAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a waiver to the Maricopa County Employee Leave Plan V & VI for Deputy Lindsey Smith who sustained serious injuries as a result of an "Act of Violence" through no fault or negligence of her own.

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Deputy Smith was involved in a collision as she was responding to a request for assistance made by Surprise Police. Authorize payment of normal base salary and benefits of the employee for duration of up to one year or return to full duty, whichever is earlier, to begin March 27, 2003. (C50030760) (ADM3320-001)

**GRANT FUNDING FROM ARIZONA CRIMINAL JUSTICE COMMISSION FOR CRIMINAL JUSTICE RECORDS IMPROVEMENT PROGRAM**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the application and acceptance of up to \$100,000 in grant funding from the Arizona Criminal Justice Commission for Criminal Justice Records Improvement Program. This funding will be used to enhance the Records Management System (RMS) with implementation of a Digital Imaging Module and an Online Wants and Warrants Interface Module. There is a 25% match requirement that will be funded from the Inmate Services Fund. The estimated start date is August 1, 2003. Also to authorize a corresponding increase to the Sheriff's Office FY 2003-2004 grant revenue and expenditure budget up to the amount of the award, not-to-exceed \$100,000. The Sheriff's Office will work with OMB to make the appropriation adjustment after final adoption of the FY 2003-2004 budget. (C50035510)

**LEASE WITH CORPORATE HOLDINGS, INC. dba TEMPLE AIR CENTER FOR THREE AIRCRAFT HANGARS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Lease No. L7336 with Corporate Holdings, Inc. dba Temple Air Center for three aircraft hangers (3,480 square feet each) at Glendale Municipal Airport. The term of the lease is for five years beginning July 1, 2003, and ending December 31, 2008, at an annual rate of \$60,000. (C50040044)

**MINOR BOUNDARY ADJUSTMENTS IN THREE SCHOOL DISTRICTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept filing of the Superintendent of Schools declaring minor boundary adjustments described in petition among Saddle Mountain Unified School District No. 90, Litchfield Elementary School District No. 79, Agua Fria Union High School District No. 216 ("Verrado"). (C3703004M) (ADM3813)

**PARCEL DESCRIPTION**

**Land to be removed from Litchfield Elementary School District #79  
and Agua Fria Union High School District #216  
and added to Saddle Mountain Unified School District #90**

That portion of Sections 19, and 30, Township 2 North, Range 2 West, of the Gila and Salt River Meridian, Maricopa County, Arizona, more particularly described as follows:

Commencing at the southwest corner of said Section 19, said point being the **POINT OF BEGINNING** of the herein described parcel;

**THENCE** along the west line of said Section 19, North 00°42'31" East, a distance of 12.64 feet, to the southeast corner of Section 24, Township 2 North, Range 3 West;

**THENCE** continuing along the west line of said Section 19, being also the east line of said Section 24, North 00°05'25" West, a distance of 2619.63 feet, to the west quarter corner of said Section 19;

**THENCE** continuing along said east line and said west line, North 00°44'02" West, a distance of 19.94 feet, to the east quarter corner of said Section 24;

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THENCE continuing along said east line and said west line, north 00°09'09" West, a distance of 543.26 feet;

THENCE leaving said east line and said west line, South 76°53'02" East, a distance of 734.71 feet,

THENCE South 26°44'59" West, a distance of 520.76 feet;

THENCE South 28°00'50" West, a distance of 271.93 feet;

THENCE South 26°44'59" West, a distance of 232.11 feet, to the beginning of a non-tangent curve;

THENCE southwesterly along said curve, having a radius of 1007.88 feet, concave southeasterly, whose radius bears South 60°51'58" East, through a central angle of 27°04'21", a distance of 476.23 feet, to a point of intersection with a non-tangent line;

THENCE South 01°20'03" West, a distance of 157.51 feet;

THENCE South 89°46'02" West, a distance of 7.26 feet;

THENCE South 00°12'07" East, a distance of 212.54 feet;

THENCE North 90°00'00" West, a distance of 5.50 feet;

THENCE South 00°12'07" East, a distance of 452.91 feet;

THENCE North 90°00'00" West, a distance of 8.00 feet;

THENCE South 00°12'07" East, a distance of 126.56 feet;

THENCE North 89°47'53" East, a distance of 8.00 feet;

THENCE South 00°12'07" East, a distance of 258.66 feet;

THENCE North 89°47'53" East, a distance of 14.00 feet;

THENCE South 00°12'07" East, a distance of 126.07 feet, to the beginning of a curve;

THENCE southerly along said curve, having a radius of 890.58 feet, concave easterly through a central angle of 35°51'04", a distance of 557.26 feet, to a point of intersection with a non-tangent line;

THENCE South 51°46'50" West, a distance of 2.47 feet;

THENCE South 26°48'46" East, a distance of 60.04 feet;

THENCE South 28°23'47" East, a distance of 217.11 feet;

THENCE South 26°48'46" East, a distance of 408.29 feet; to the beginning of a non-tangent curve;

THENCE northeasterly along said curve, having a radius of 850.00 feet, concave southeasterly, whose radius bears South 24°22'43" East, through a central angle of 00°08'06" a distance of 2.00 feet, to a point of intersection with a non-tangent line;

THENCE South 26°48'46" East, a distance of 256.02 feet;

THENCE South 22°04'11" East, a distance of 145.12 feet;

THENCE South 26°48'46" East, a distance of 216.45 feet, to the beginning of a curve;

THENCE southeasterly along said curve, having a radius of 2197.50 feet, concave southwesterly through a central angle of 20°20'33", a distance of 780.21 feet, to a point of intersection with a non-tangent line;

THENCE South 83°31'47" West, a distance of 688.20 feet;

THENCE South 63°43'26" West, a distance of 452.25 feet, to the west line of said Section 30;

THENCE along said west line, North 00°05'18" West, a distance of 2380.46 feet, to the POINT OF BEGINNING.

Containing 53.4882 acres, or 2,329,946 square feet of land, more or less.

Subject to existing rights-of-way and easements.

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This parcel description is based on the Results of Survey of Verrado recorded in Book 602, page 30, Maricopa County Records, (M.C.R.) and other client provided information. This parcel description is located within an area surveyed by Wood/Patel during the months of October, 1998 and February, 1999 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002) of said positions based on said survey.

**Parcel Description  
Land to be removed from Saddle Mountain Unified School District #90  
and added to Litchfield Elementary School District #79  
and Agua Fria Union High School District #216**

That portion of Sections 13 and 24, Township 2 North, Range 3 West, of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

Commencing at the northeast corner of said Section 24, said point being the **POINT OF BEGINNING** of the herein described parcel;  
**THENCE** along the east line of said Section 24, South 00°00'48" West, a distance of 25.29 feet, to the northwest corner of Section 19, Township 2 North, Range 2 West;  
**THENCE** continuing along said east line of Section 24, South 00°09'00" East, a distance of 554.14 feet;  
**THENCE** leaving said east line, North 41°24'03" West, a distance of 2318.26 feet;  
**THENCE** North 66°18'31" East, a distance of 1096.84 feet;  
**THENCE** North 53°37'52" East, a distance of 408.18 feet;  
**THENCE** North 40°52'17" East, a distance of 194.39 feet;  
**THENCE** North 30°39'54" East, a distance of 137.07 feet, to the east line of said Section 13;  
**THENCE** along east line of Section 13, South 00°02'23" East, a distance of 2107.18 feet to the **POINT OF BEGINNING**.

**TOGETHER WITH**

That portion of Section 25, Township 2 North, Range 3 West, of the Gila and Salt River Meridian, Maricopa County, Arizona described as follows:

Commencing at the southeast corner of said Section 25, said point being the **POINT OF BEGINNING** of the herein described parcel;  
**THENCE** along the south line of said section, North 89°52'16" West, a distance of 2635.55 feet, to the south quarter corner of said section;  
**THENCE** continuing along said south line, North 89°41'26" West, a distance of 1540.83 feet; **THENCE** leaving said south line, North 00°18'34" East, a distance of 1387.15 feet;  
**THENCE** North 74°27'47" East, a distance of 808.85 feet;  
**THENCE** North 88°51'14" East, a distance of 1018.02 feet;  
**THENCE** North 34°09'28" East, a distance of 526.03 feet;  
**THENCE** North 89°04'17" East, a distance of 926.23 feet;  
**THENCE** North 33°10'50" East, a distance of 759.21 feet;  
**THENCE** North 78°09'05" East, a distance of 738.91 feet;  
**THENCE** North 63°43'26" East, a distance of 11.13 feet, to the east line of said section;  
**THENCE** along said east line, South 00°05'18" East, a distance of 251.32 feet, to the east quarter corner of said section;

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**THENCE** continuing along said east line, South 00°01'39" East, a distance of 2629.44 feet, to the **POINT OF BEGINNING**.

Containing 235.1339 acres, or 10,242,431 square feet of land, more or less.

Subject to existing rights-of-way and easements.

This parcel description is based on the Results of Survey of Verrado recorded in Book 602. page 30, Maricopa County Records., (M.C.R.) and other client provided information. This parcel description is located within an area surveyed by Wood/Patel during the months of October, 1998 and February, 1999 and any monumentation noted in this parcel description is within acceptable tolerance (as defined in Arizona Boundary Survey Minimum Standards dated 02/14/2002 of said positions based on said survey.

**AMENDMENT TO LEASE WITH A. REDMOND AND MARY ANNE DOMS, dba CITRUS PLAZA PARTNERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute Amendment No. 2 to Lease No. L7016 with A. Redmond and Mary Anne Doms, dba Citrus Plaza Partners, Lessor, for the Chandler Justice Court located at 2051 West Warner Road, Chandler, Arizona. The Chandler Justice Court has been at this location since 1988 and occupies 7,680 square feet. The amendment will create a new lease term commencing November 1, 2003, through October 31, 2008, at a 4% annual rent increase as shown below, and correct the square feet of space occupied by the Court. This lease contains a 90-day cancellation clause. (C2499004401) (C24030104)

- 2003-2004 8 months @ \$15.50 per square foot = \$79,348.00 plus rental tax
- 2004-2005 4 months @ \$15.50 per square foot + 8 months @ \$16.12 per square foot = \$122,195.92 plus rental tax
- 2005-2006 4 months @ \$16.12 per square foot + 8 months @ \$16.76 per square foot = \$127,083.76 plus rental tax
- 2006-2007 4 months @ \$16.76 per square foot + 8 months @ \$17.43 per square foot = \$132,167.08 plus rental tax
- 2007-2008 4 months @ \$17.43 per square foot + 8 months @ \$18.13 per square foot = \$137,453.76 plus rental tax
- 2008-2009 4 months @ \$18.13 per square foot = \$46,412.96 plus rental tax

**TRANSFER OF EXPENDITURE AUTHORITY**

Per ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the transfer of expenditure authority between the General Government Fund (210) and the Children's Issues Education Fund (281). This action will require an expenditure appropriation adjustment decreasing the FY 2002-03 General Government Fund (210) by \$10,709 and increasing the FY 2002-Children's Issues Education Fund (281) by \$10,709. These adjustments will result in a Countywide net impact of zero. (C38030218) (ADM1002)

**AMENDMENT TO LEASE WITH SAIA FAMILY LIMITED PARTNERSHIP**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an amendment to full service Lease No. L7256 with Saia Family Limited Partnership as predecessors in interest, Wells Fargo Bank, N.A., for 9,183 square feet of office space at 777 West Southern Avenue, Suite 101, Mesa. This leased space houses the Office of the Public Defender, Juvenile



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Division for the east valley. This amendment will create a new lease term commencing July 1, 2003, and expiring June 30, 2009. Base annual rent for the extended lease term is as follows: July 1, 2003, through June 30, 2006; \$153,815.25, plus rental tax (\$16.75/s.f.), and \$158,406.75, plus rental tax (\$17.25/s.f.) for July 1, 2006, through June 30, 2009. The lease contains a 90-day termination provision. (C3398501401) (C52030044)

**LEASE WITH JEFFERSON SQUARE LTD.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve and execute new full service lease Number L7308 with Jefferson Square Ltd., Lessor for 72,282 square feet of office space for the Public Defender located at 11 West Jefferson, Phoenix. This new lease, for administrative purposes, consolidates five existing leases for office space at the Luhrs Building into one, extended one-year term commencing July 1, 2003, and expiring June 30, 2004. The rental cost is \$1,170,968.40, plus estimated rental tax of 2.4% for a total of \$1,199,071.60. The rent is to be paid quarterly on the first day of each quarter of the term commencing July 1, 2003. This lease contains a 120-day termination clause with no penalty and a one-year renewal option. (C52030054)

**REJECT CLAIM DEMANDS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to reject claim demands (May 2003) for emergency medical services from private medical providers to patients who do not meet the requirements of Arizona Revised Statutes or Maricopa County Policies and are, therefore, not the responsibility of Maricopa County pursuant to A.R.S. §11-629 (not a proper charge against the County) and A.R.S §11-622 (claims not having been filed within six-months after the last item of the account accrues). (ARS §11-629 \$371,358.32 and ARS §11-622 \$-0-) (C39030187) (ADM1804)

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June 2003**

<b>Vendor Amb.,</b>	<b>Doctors, Hosp. Ars 11-629</b>	<b>Over Six Months Ars 11-622</b>
Associated Retina Consultants	120.54	0.00
City Of Phoenix Ambulance	495.53	0.00
Good Samaritan Reg Med Ctr	29,132.25	0.00
Lifestar Ems	753.72	0.00
Maricopa Health Systems	115,380.32	0.00
Medpro	80,960.00	0.00
Neurological Surgeons, P.C.	819.00	0.00
Professional Diagnostix	23.00	0.00
Professional Medical Transport	1,929.92	0.00
Rural Metro Ambulance	1,616.18	0.00
Sjh Trauma Billing	425.00	0.00
Southwest Ambulance	1,438.21	0.00
Southwest Neuro-Imaging	405.00	0.00
St Josephs Hosp Arizona	75,231.76	0.00
St Luke's Medical Center	5,742.45	0.00
Tep @ Phoenix St Luke's	261.00	0.00
Valley Anesth Consultants Ltd	4,430.00	0.00
Grand Totals:	319,163.88	0.00
Restitution	0.00	

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Totals Denials: 319,163.88

**FUND TRANSFER**

Pursuant to A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a fund transfer from Health Care Mandates Legal Services Budget (Agency 390/Fund 100) to Health Care Mandates Detention Operations Fund (Agency 390/Fund 255) in an amount not to exceed \$500,000 in order to cover higher than anticipated costs for Correctional Health Hospital Costs. This action will require a revenue and expenditure appropriation adjustment to Correctional Health Services' Detention Operations Fund not to exceed \$500,000, which will be offset with corresponding adjustments to the Eliminations Fund (Department 980/Fund 900) for a net impact of zero. (C39030158) (ADM2104)

**ESTABLISH A RESTORATION TO COMPETENCY (RTC) PROGRAM**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve recommendation by Health Care Mandates and Correctional Health Services Departments to establish a restoration to competency ("RTC") program within the existing county jails through Correctional Health Services. Funding will come from the Health Care Mandates budget, which currently pays for restoration services at the Arizona State Hospital. Health Care Mandates is budgeted in FY 2004 to pay Arizona State Hospital for competency restoration at \$409 per day. The county RTC program will significantly reduce the need to transport inmates to the Arizona State Hospital and is projected to generate savings of at least \$249 per day. (C3903017M) (ADM2104) (ADM2131)

**PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Personnel Agenda (Judicial Branch and Maricopa County). (List on file in the Clerk of the Board's Office.)

**TRANSFER OF FUNDS**

In accordance with ARS §42-17106(b), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the Office of Management and Budget (OMB) request authorization to transfer \$1,292,591 from General Government (470) General Fund (100) Reserved Contingency for Employee Initiatives as follows: \$692,359 to the County Attorney's Office (190) General Fund (100) and \$600,232 to the Office of Contract Counsel (560) General Fund (100). Also the further request that a total of \$2.0 million be transferred from Appropriated Fund Balance (480) General Fund (100) Contingency to a new line within Other General Fund Programs entitled Ring vs. Arizona Caseload to be used for one-time, non-recurring expenses. (C4903028801) (ADM1825)

**INCREASE TO BENEFITS TRUST FUND REVENUE AND EXPENDITURE BUDGETS**

In accordance with ARS §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an increase to the Total Compensation Benefits Trust Fund (fund 685) revenue and expenditure budgets in the amount of \$7,000,000 for the new self-insured pharmacy program which became effective January 1, 2003. \$605,000 of this increase is due to payments from employees and will be offset with corresponding reductions in revenues and expenditures in Fund 210. The remaining \$6,395,000 increase is due to payments from County departments and fund balance, and will be offset with corresponding reductions in revenues and expenditures to the

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Eliminations Fund (fund 900). This action will result in a net increase of zero to the County's budget. (C35030268) (ADM3352)

**GAINSHARING PROGRAMS FOR HUMAN SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following Gainsharing Programs for Human Services per the Employee Gainsharing Programs Policy (HR2419):

- a) FY 2003 Gainsharing Program for Human Services (C35030270) (ADM3345-001)

**Human Services Department  
GAINSHARING PROGRAM  
FY 2003**

**What**

Human Services Department employees will be eligible to receive a goal results incentive award if key departmental performance measures are achieved.

**Why**

The Human Services Department (HSD) is using a results-oriented compensation tool to facilitate the achievement of the following key performance measures, which are derived from the department's Managing for Results (MfR) Strategic Plan:

1. The dollar amount of annual savings for low-income families accrued as a result of utility/phone discount program enrollments.
2. The percent of households provided eviction prevention, rent/mortgage assistance who do not become homeless based on 30 day follow-up.
3. The percent of low-income home weatherization program recipients who rate service received as satisfactory or better.
4. The number of passenger trips.
5. The number of meals delivered to home-bound residents.
6. The percent of clients provided employment transportation that remain employed for at least 90 days.
7. The percentage of favorable responses to the employer satisfaction survey.
8. The percentage of favorable responses to the customer (job seeker) satisfaction survey.
9. The number of individuals accessing employment and training services.
10. The percentage of total participants who are between the ages of 14 and 18 gaining employment- readiness and/or educational skills.
11. The percentage of four-year-olds enrolled in the program that demonstrated a ten percent increase on the Developmental Assessment by the end of the school year.
12. The percent of families linked with a medical home.

The Department's Managing for Results (MfR) Strategic Plan identifies four key business initiatives/programs:

1. Community Services
2. Workforce Development

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3. Special Transportation Services
4. Education

Although each program area is organizationally distinct, all of the programs serve very similar target populations. Therefore, employees in one division/program have numerous collaborative opportunities to directly impact the performance of another division/program, and HSD's Gainsharing Plan encourages those synergies and collaborations. These key performance measures are critical to the Department's overall financial and programmatic success, and the measures best reflect the overall contributions of as many HSD employees as possible.

**Who**

All employees (except those who are temporary or on initial probation at the end of the measurement period and any employees in HSD's Education Division who receive cost-of-living adjustments as reviewed by the Office of Management and Budget (OMB) and approved by the Board of Supervisors) who have been employed by the department for at least six consecutive months are eligible to receive a gainsharing award if their performance has met or exceeded the Departmental standards during the measurement period. In addition, the employee must have actively contributed toward the goals of the plan for at least one half of the measurement period. If an employee completes six consecutive months of employment and subsequently completes initial probationary status before the end of the Measurement Period, the employee will be eligible to receive an incentive award if the employee actively contributed toward the goals of the plan for at least one half of the Measurement Period.

Employees must be working for the department on the date of award distribution. Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.

**How**

The performance measures for FYs 2002-2003 are listed in Table 1 below:

**Table 1. PERFORMANCE MEASURES FOR FY 2002 - 2003**

<b>Index No.</b>	<b><u>Key Performance Measure</u></b>	<b>Actual Performance FY02</b>	<b>FY03 Performance Goal</b>
1.	\$ amount of annual savings for low-income families accrued as a result of utility/phone discount program enrollments. (Calculation: Multiply the # of households enrolled in each utility and phone discount program by the annual savings per program.)	\$374,392	\$320,000
2.	% of households provided eviction prevention, rent/ mortgage assistance who do not become homeless based on 30 day follow-up. (Calculation: # of households assisted with rent/mortgage divided by the # of households still living in same home based on 30 day follow-up.)	<u>N/A</u>	50%
3.	% of low-income home weatherization program recipients who rate service received		

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	as satisfactory or better. (Calculation: # of households surveyed divided by those who rate services as satisfactory or better.)	93%	70%
4.	# of passenger trips (Calculation: actual data - number of trips provided)	124,822	120,876
5.	# of meals delivered to home-bound residents (Calculation: actual data – number of meals delivered)	112,679	112,679
6.	% of clients provided employment transportation that remain employed for at least 90 days. (Calculation: # of clients employed at 90 days divided by the total number of clients completing services.)	68%	75%
7.	% of employer satisfaction (Calculation: # of positive survey responses divided by total responses.)	88%	73%
8.	% Customer (job seeker) satisfaction rate (Calculation: # of positive survey responses divided by total # of responses.)	72%	74%
9.	# of individuals accessing services (Calculation: # of individuals accessing services)	9,780	9,800
10.	% skill attainment for youth 14 – 18 (Calculation: Total # of skills attained divided by the number of skill goals set for youth ages 14 to 18 enrolled in the Workforce Investment Act youth program.)	N/A	77%
11.	% of enrolled 4-year-olds who demonstrate 10% increase on the Developmental Assessment by the end of the school year. (Calculation: # of 4-year-olds who demonstrate a 10% increase on the assessment at the end of the school year divided by the total number of 4-year-olds who have been enrolled in the program greater than 120 days.)	N/A	70%
12.	% of families linked with a medical home. (Calculation: Total number of families that are in the program greater than 90 days divided in to the total number of families ;that have a medical home.)	N/A	80%

**Footnote Explanations:**

1. The FY03 performance goal has been reduced due to loss of a utility discount program funding having a direct impact on the savings. In addition, the Community Action Program offices are

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- seeing a reduction of new enrollments into discount programs because many individuals seeking assistance are already enrolled in the discount programs.
2. This is a new indicator for FY03. Data for FY02 are unavailable.
  3. The satisfaction survey for FY03 has been revised to solicit additional information. Therefore, the goal remains at the goal level for previous years even though actual survey results far exceeded the goal. Survey is being reviewed for statistical accuracy for FY04.
  4. This figure is based on a cost per trip. The FY03 funding level was reduced; therefore, the numbers of trips were reduced to meet the funding level.
  5. This figure is based on a cost per meal delivery. The FY03 funding level was reduced; therefore, the numbers of meals were reduced to meet the lower funding level.
  6. The established goal for FY02 and FY03 remains at 75%.
  7. Goal established by the Strategic Five-Year Local Workforce Investment Plan (July 1,2002 - June 30, 2005) submitted and approved by the State of Arizona.
  8. Goal established by Strategic Five-Year Local Workforce Investment Plan (July 1,2002 - June 30, 2005) submitted and approved by the State of Arizona.
  9. Goal established by. Strategic Five-Year Local Workforce Investment Plan (July 1,2002 - June 30, 2005) submitted and approved by the State of Arizona.
  10. Goal established by. Strategic Five-Year Local Workforce Investment Plan (July 1,2002 - June 30, 2005) submitted and approved by the State of Arizona.
  11. Effective FY03, Maricopa County Head Start developed a revised child development outcome goal due to the implementation of new Federal requirement which included a new child assessment system. Since this is a pilot program, there could be some inconsistencies in the data compilation; however, the assessments will be closely monitored and used for guidance in planning outcomes for the next program year.
  12. Goal established by the funding source.

For the measures established by Maricopa County's Strategic Five-Year Local WorkForce Investment Plan, adopted by the State of Arizona, it is important to realize the goals are developed to provide maximum flexibility, which allows the Human Services management team to determine how to distribute human capital management and develop tactics to achieve the goals. If the actual performance measures exceed the goals outlined in the Investment Plan, this means the measure was a priority, and resources were invested. Setting these goals higher than what's defined in the Investment Plan does not allow Human Services to assess the needs of the Workforce Program annually and determine the distribution of resources. However, the actual performance measure **MUST** meet what is defined in the Investment Plan. If not, Human Services is subject to sanctions by the State of Arizona.

Any material changes in the departmental accounting procedures and policies will be disclosed and result in the need for a restatement of the gainsharing program.

**Quality Improvement – Revenue Enhancement**

Many gainsharing plans are based on cost-saving or budget-cutting outcomes. However, HSD cannot fund a gainsharing plan solely on the basis of improved cost-efficiencies, cost-effectiveness or budget reductions since nearly all of the Department's revenue agreements are cost-reimbursement contracts. Basically, if the Department lowers its direct or indirect cost of delivering services, it can serve more customers or improve the quality of the service. However, the Department will only be reimbursed for its actual expenses that are allowable under the terms and conditions of a given contract. The Department cannot simply redirect or shift any cost-savings to its salary and wages line items. In essence, any cost-savings achieved by the Department reside with the funding agency as an unexpended portion of the award.

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The Department budgets for employee compensation increases as a fixed personnel expense within each given grant/contract, and the ability of the Department to financially award employee performance is directly tied to the Department's ability to achieve specific performance measures for all of its grants/contracts. In fact, two of the Department's major cost reimbursement contracts/programs [Workforce Development; and Head Start/Early Head Start] provide financial incentives to the Department for the achievement of specific goals/outcomes. In the case of Workforce Development, the Department is eligible to receive "state set-aside incentive funds" from the U.S. Department of Labor (DoL) for established performance standards. Also, the Department's Education Division (H.S./E.H.S.) is eligible to receive program expansion and quality improvement incentive dollars for achieving a high level of performance. These incentives are intended for employee capacity building and program enhancements. Allowable "capacity building" and "quality improvement" expenses include employee incentive awards, salary increases, fringe benefit enhancements, and enhanced training opportunities. Therefore, it is important that HSD's "contract deliverables" or key performance measures form the foundation of the Department's gainsharing plan.

Given the above considerations, HSD's Gainsharing Plan represents a "service quality – revenue enhancement" program. The plan encourages employees to provide high quality services to a greater number of customers with a limited amount of financial resources. Likewise, if the employees achieve a high level of success in meeting or exceeding key departmental performance objectives, there is a greater likelihood that the department will be successful in competing for more incentive and program expansion funding opportunities.

(See HSD's FY03 revenue and proposed Gainshare amounts by Division on Attachment A on file in the Clerk of the Board's Office.)

#### **Incentive Distribution Formula**

Gainsharing Awards are applied equally to all employees in the Department (subject to eligibility requirements). The maximum distribution per eligible employee is \$1,500 per fiscal year. (See HSD's Incentive Award Distribution to Employees on Attachment B – FY 2002-03 on file in the Clerk of the Board's Office.)

HSD is proposing the award and distribution of Gainshare based upon the number of key performance measures achieved, with the achievement of all twelve key performance measures being the ultimate goal. As a primarily grant funded department, HSD's key performance measures are subject to conditions beyond the control of staff, such as economic conditions and funding reductions. This pro rata concept provides the flexibility needed to address unforeseen circumstances. In addition, performance attainment for continued funding from grant agencies is not based upon the "all or nothing" concept.

#### **When**

All awards are non-cumulative and will be paid to employees if the Department achieves eight (8) or more of the key performance measures during the period of July 1, 2002 – June 30, 2003. The awards will be issued as a lump-sum payment on or before September 30, 2003. The same program will be implemented for FY04, with the exception that goals maybe updated based on FY03 experience, subject to approval by the Office of Management and Budget.

The senior leadership of the department is fully committed to the implementation of the program once approved by the Board of Supervisors. A board action is required if the department discontinues the program anytime during the fiscal year.

- b) FY 2004 Gainsharing Program for Human Services (See Back-up) (C35030280)  
(ADM3345-001)

**Human Services Department  
GAINSHARING PROGRAM  
FY 2004**

**What**

Human Services Department employees will be eligible to receive a goal results incentive award if key departmental performance measures are achieved.

**Why**

The Human Services Department (HSD) is using a results-oriented compensation tool to facilitate the achievement of the following key performance measures, which are derived from the department's Managing for Results (MfR) Strategic Plan:

1. The dollar amount of annual savings for low-income families accrued as a result of utility/phone discount program enrollments.
2. The percent of households provided eviction prevention, rent/mortgage assistance who do not become homeless based on 30 day follow-up.
3. The percent of low-income home weatherization program recipients who rate service received as satisfactory or better.
4. The number of passenger trips.
5. The number of meals delivered to home-bound residents.
6. The percent of clients provided employment transportation that remain employed for at least 90 days.
7. The percentage of favorable responses to the employer satisfaction survey.
8. The percentage of favorable responses to the customer (job seeker) satisfaction survey.
9. The number of individuals accessing employment and training services.
10. The percentage of total participants who are between the ages of 14 and 18 gaining employment- readiness and/or educational skills.
11. The percentage of four-year-olds enrolled in the program that demonstrated a ten percent increase on the Developmental Assessment by the end of the school year.
12. The percent of families linked with a medical home.

The Department's Managing for Results (MfR) Strategic Plan identifies four key business initiatives/programs:

1. Community Services
2. Workforce Development
3. Special Transportation Services
4. Education

Although each program area is organizationally distinct, all of the programs serve very similar target populations. Therefore, employees in one division/program have numerous collaborative opportunities to directly impact the performance of another division/program, and HSD's Gainsharing Plan encourages those synergies and collaborations. These key performance measures are critical to the Department's



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overall financial and programmatic success, and the measures best reflect the overall contributions of as many HSD employees as possible.

**Who**

All employees (except those who are temporary or on initial probation at the end of the measurement period and any employees in HSD who received a cost-of-living adjustment as reviewed by the Office of Management and Budget (OMB) and approved by the Board of Supervisors) who have been employed by the department for at least six consecutive months are eligible to receive a gainsharing award if their performance has met or exceeded the Departmental standards during the measurement period. In addition, the employee must have actively contributed toward the goals of the plan for at least one half of the measurement period. If an employee completes six consecutive months of employment and subsequently completes initial probationary status before the end of the Measurement Period, the employee will be eligible to receive an incentive award if the employee actively contributed toward the goals of the plan for at least one half of the Measurement Period.

Employees must be working for the department on the date of award distribution. Employees who leave the department or have given notice that they are leaving the department (other than retirement) prior to a distribution of monies will forfeit any gain share normally due them.

**How**

The performance measures for FYs 2003-2004 are listed in Table 1 below:

**Table 1. PERFORMANCE MEASURES FOR FY 2003 - 2004**

<b><u>Index No.</u></b>	<b><u>Key Performance Measure</u></b>	<b><u>Actual Performance FY03</u></b>	<b><u>FY04 Performance Goal</u></b>
1.	\$ amount of annual savings for low-income families accrued as a result of utility/phone discount program enrollments. (Calculation: Multiply the # of households enrolled in each utility and phone discount program by the annual savings per program.)	<b><u>TBD</u></b>	<b>TBD</b>
2.	% of households provided eviction prevention, rent/ mortgage assistance who do not become homeless based on 30 day follow-up. (Calculation: # of households assisted with rent/mortgage divided by the # of households still living in same home based on 30 day follow-up.)	<b><u>TBD</u></b>	<b>TBD</b>
3.	% of low-income home weatherization program recipients who rate service received as satisfactory or better. (Calculation: # of households surveyed divided by those who rate services as satisfactory or better.)	<b><u>TBD</u></b>	<b>TBD</b>
4.	# of passenger trips (Calculation: actual data – number of trips provided)	<b><u>TBD</u></b>	<b>TBD</b>

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5.	# of meals delivered to home-bound residents (Calculation: actual data – number of meals delivered)	<u>TBD</u>	TBD
6.	% of clients provided employment transportation that remain employed for at least 90 days. (Calculation: # of clients employed at 90 days divided by the total number of clients completing services.)	<u>TBD</u>	TBD
7.	% of employer satisfaction (Calculation: # of positive survey responses divided by total responses.)	<u>TBD</u>	TBD
8.	% Customer (job seeker) satisfaction rate (Calculation: # of positive survey responses divided by total # of responses.)	<u>TBD</u>	TBD
9.	# of individuals accessing services (Calculation: # of individuals accessing services)	<u>TBD</u>	TBD
10.	% skill attainment for youth 14 - 18 (Calculation: Total # of skills attained divided by the number of skill goals set for youth ages 14 to 18 enrolled in the Workforce Investment Act youth program.)	<u>TBD</u>	TBD
11.	% of enrolled 4-year-olds who demonstrate 10% increase on the Developmental Assessment by the end of the school year. (Calculation: # of 4-year-olds who demonstrate a 10% increase on the assessment at the end of the school year divided by the total number of 4-year-olds who have been enrolled in the program greater than 120 days.)	<u>TBD</u>	TBD
12.	% of families linked with a medical home. (Calculation: Total number of families that are in the program greater than 90 days divided in to the total number of families ;that have a medical home.)	<u>TBD</u>	TBD

**Footnote Explanations:**

- The actual performance information for FY03 will be completed after the measures have been audited and validated.
- By the end of the first quarter of FY04, goals and targets will be determined based on FY03 experience, subject to approval by the Office of Management and Budget.

Any material changes in the departmental accounting procedures and policies will be disclosed and result in the need for a restatement of the gainsharing program.

**Quality Improvement – Revenue Enhancement**

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#### **When**

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By the end of the first quarter of FY04, goals and targets will be determined based on FY03 experience, subject to approval by the Office of Management and Budget.

The senior leadership of the department is fully committed to the implementation of the program once approved by the Board of Supervisors. A board action is required if the department discontinues the program anytime during the fiscal year.

**CONTINUED DEVELOPMENT FUNDING AT SAN TAN MOUNTAIN REGIONAL PARK -- WITHDRAWN**

Authorize \$500,000 to fund continued development at the San Tan Mountain Regional Park, and in accordance with ARS §42-17106(b), approve reallocation of the funds from General Government Major Maintenance FY 2004 budget to the Parks Special Revenue Fund (Fund 230-301) for this purpose and increase the Parks & Recreation Department FY 2004 recommended expenditure budget in that fund by this amount. (C30030258)

**Clerk of the Board, Fran McCarroll, announced that this item was withdrawn by the department.**

**FUND TRANSFERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve regular and routine fund transfers from the operating funds to clearing funds including payroll, work authorizations, journal entries, allocations, loans, and paid claims. Said claims having been recorded on microfiche retained in the Department of Finance in accordance with the Arizona State Department of Library Archives and Public Records retention schedule, and incorporated herein by this reference.

**PURCHASE AGREEMENT WITH CITY OF AVONDALE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) by a roll call vote, with Supervisors Brock, Stapley, Kunasek, Wilson and Wilcox voting (aye) to approve a Purchase Agreement with the City of Avondale whereby Maricopa County will sell a 5.06-acre portion of a 60-acre parcel near the northeast corner of 115th Avenue and McDowell to the city for use as a neighborhood park, and authorize the Chairman to execute all documents necessary to complete the transaction. Also authorize a portion of the proceeds to be used to pay the county's share of escrow and title insurance expenses. Avondale will pay a total sales price of \$264,091.52 for the parcel. The price of \$52,192 per acre is supported by a recent appraisal of the residentially zoned larger parcel. County will be responsible for the customary share of escrow and title costs and will pay for the cost of the American Land Title Association (ALTA) standard coverage policy of title insurance. (C1803030B) (ADM812-001)

**EARLY TERMINATION OF LEASES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve early termination of the following leases and authorize a refund of 100% of their security deposits for vacating their space without damage.

- a) Mactec Engineering (formerly known as Harding Lawson Associates), effective May 31, 2003, for 9,976 square feet of space in Suites 600, 611 and 646 in the county-owned Security Center Building, and refund security deposit of \$9,976. (C18030314)

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- b) Bartelt and Kenyon, effective February 28, 2003, for 1,218 square feet of space in Suite 430 in the county-owned Security Center Building, and refund security deposit of \$4,500. (C18030324)

**SUPPLEMENTAL LEASE AGREEMENT WITH U.S. GENERAL SERVICES ADMINISTRATION**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Supplemental Lease Agreement (SLA) No. 3 with U. S. General Services Administration (GSA) for Lease GS-09B-94384 for Suite 422, 234 North Central, Security Center Building owned by Maricopa County. This SLA will extend the tenancy of the Federal Bureau of Prisons (GSA's tenant) for one month, at the current rate of \$2,884.94 monthly, through August 31, 2003. The current lease for 2,679 square feet expires July 31, 2003. (C18030334)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF SURPRISE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve an Intergovernmental Agreement (IGA) with the City of Surprise that provides for the City to convey title to approximately 9-acres of city-owned land to Maricopa County for construction of Justice Court facilities and continued operation of existing Superior Court facilities. This IGA will supercede the existing IGA recorded at Maricopa County Recorder No. 2001-1159074 that provides for the Superior Court construction on leased land. County must have substantial completion within five-years of an additional building or ownership will revert to the city and the original land lease IGA will be reinstated. In the event the county wishes to divest itself of ownership after five-years, city retains a right of first refusal to repurchase the property for \$1.00, plus the fair market value of all improvements to the property plus the \$300,000 improvement fee paid by the county pursuant to this IGA. Further, joint facilities may also be constructed pursuant to subsequent agreements that might be developed. All facilities constructed on the site will be subject to development standards and other conditions established by the city and detailed in the IGA. Also authorize the county to pay for closing costs (not-to-exceed \$5,000) associated with the transfer of the property from the city to the county. (C1803034B)

**INCREASE IN BUDGETED REVENUE AND EXPENDITURES**

In accordance with A.R.S. §42-17106(B), motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to authorize the approval of an increase in budgeted revenue (673-733-7340-636) and budgeted expenditures of (673-733-7340-801) for FY 2002-2003 in the amount not-to-exceed \$50,000 due to increased customer demand. The revenue from charges for services will offset the wholesale expense. This will require an offsetting revenue (900-981-098-636) and expenditures (900-981-0980-834) transaction in Eliminations (not-to-exceed \$50,000), that will have a net zero impact to the budget. (C73030058) (ADM3000-003)

**SOLICITATION SERIALS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following solicitation serial items. The action on the following items is subject to County Counsel's review and approval of the respective contracts and subsequent execution of contracts. (ADM3005)

**Solicitation Serials:**

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- 03004-S      PARKING LOT & GARAGE CLEANING SERVICES** (\$500,000 est/three (3) years with two (2) one (1) year renewal options)  
Provides parking lot and parking garage power sweeping and power washing services as requested by Facilities Management.
- ACE Surface Maintenance Inc
  - Guaranteed Clean Systems

- 03023-RFP      ORGANIZATIONAL CHANGE INITIATIVE CONSULTANT** (\$485,000 est/two (2) years with three (3) one (1) year renewal options)  
Provides consultant services to MCDOT for organizational change initiatives (change management).
- QuantumPM LLC

**Contract Extension(s):**

Extension of the following contract(s): (Extensions are recommended with the concurrence of the using agency(s) and the vendor(s), upon satisfactory contract performance and, when appropriate, after a market survey is performed).

**Until June 30, 2004**

- 00074-SC      CLASSIFIED & DISPLAY ADVERTISING (\$1,175,000 est/one-year)**  
**(CONTINUED FROM MEETING OF JUNE 4, 2003.)**  
Recommendation for one-year extension of contract for classified and display advertising. Contract is used primarily by Human Resources and the Sheriff's Office for recruitment and drug abatement programs.
- Arizona Informant Newspaper
  - The Arizona Republic
  - Bear Essential News for Kids
  - The Daily Journal Corporation
  - G & G Advertising
  - Jobing.COM
  - La Voz Newspaper
  - New Times, Inc.
  - The Tribune
  - Sweat Marketing, Inc.

**Trade-in Purchase**

The trade-in of 22 retired Glock Pistols to Glock, Inc. in the amount of \$7,728. These pistols are used by the Parks and Recreation Department Park Police. This action is being conducted in conjunction with the purchase of 22 new Glock G22 40 Caliber Pistols in the amount of \$9,528. Net purchase price is \$1,820 with trade-in. The serial numbers for the trade-in pistols are as follows:

ABD855	AKN831	AUK263	BYL754	ZU511
ABD857	AKN832	AUK264	BYL755	ZU512
ABD858	AKN833	AUK265	BLY756	ZU514
ABD859	AKN835	AUK266		ZU516

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AUK267

DRT598

ZU517

**DONATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the acceptance of donations made by citizens of Maricopa County to Animal Care & Control in the amount of \$123,764. This amount includes \$30,712 for donations received through the AC&C Business Office and \$93,052 in donations that were made through the animal licensing process (all donations were received and deposited from October 2002 through March 2003.) Ongoing donations received through the animal licensing process were previously approved through Board agenda item C79000120 dated July 26, 1999. Donation revenue funds are deposited into Trust Fund 716 as they are received. Funds in the amount of \$123,764 will be transferred from Trust Fund 716 to the Fund 572 Donations budget. These funds represent donations received by AC&C from citizens, organizations, companies and agencies from October 2002 through March 2003 to help improve the quality of life for the animals in AC&C's care. Funds will be expended on Humane Programs as per the request of the donors. Programs will benefit in regard to spaying and neutering, animal vaccination and clinic care, and kennel enhancements for the welfare and safety of animals. Proposed purchases may include equipment, supplies, or emergency and relief veterinary care required. In addition, funds will be used for education programs that teach Maricopa County citizens how to care for their pets. Donation funds are "non-local" revenue for purposes of the constitutional expenditure limitation. Therefore, the budget law, in accordance with a legal opinion from County Counsel, does not prohibit expenditure of funds. This budget adjustment does not alter the budget constraining the expenditure of local revenues that was duly adopted by the Board of Supervisors pursuant to ARS §42-17105. (C79030487) (ADM2300)

**RENEWAL OF KENNEL PERMITS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the following kennel permit renewals for the term of June 18, 2003, through June 17, 2004. The permit renewals are recommended by Animal Care & Control with no complaints received and remedied. (C7903056C) (ADM2304)

- a) Donna L. Bissing, dba Canine Foster Care of Arlington, 9264 South 415<sup>th</sup> Avenue, Arlington, (Mailing Address: PO Box 57, Arlington, AZ 85322), Permit No. 330
- b) Liz Hazen, dba Hazen Farms, 26951 West Hazen Road, Buckeye, Permit No. 340
- c) Mark Robison, dba Marylynns Kennels, 3812 North 367<sup>th</sup> Avenue, Tonopah, Permit No. 365

**APPROPRIATION ADJUSTMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve an appropriation adjustment to Animal Care & Control Grant Fund (Dept. 790/Fund 573) to increase revenues and expenditures by \$124,225. Gift revenues are not local revenues for the purpose of the constitutional expenditure limitation, therefore, expenditures of these funds are not prohibited by the budget law. This budget adjustment does not alter the budget constraining the expenditures of local revenues duly adopted by the Board pursuant to ARS §42-17105. (C79030578) (ADM2300-003)

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**FUND TRANSFER**

Pursuant to ARS §42-17106(B), motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve a fund transfer from General Government General Fund Contingency (Department 470/Fund 100) to Correctional Health Services' Detention Operations Fund (Department 260/Fund 255) in the amount of \$1,272,957 in order to cover higher than anticipated costs. This action will require a revenue and expenditure appropriation adjustment to Correctional Health Services' Detention Operations Fund in the amount of \$1,272,957, which will be offset with corresponding adjustments to the Elimination's Fund (Department 980/Fund 900) for a net impact of zero. (C26030128) (ADM2131)

**U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA) COOPERATIVE AGREEMENT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the U.S. Environmental Protection Agency (EPA) Cooperative Agreement and accept grant funding not-to-exceed \$1,500,000. The duration of the grant-funding period will be October 1, 2002, through September 30, 2003. This EPA grant supports several activities of the air quality program including: 1) ambient air quality monitoring; 2) stationary source-engineering reviews; and 3) on-site inspections to determine compliance with specific federal regulations. (C88030083)

**CRITICAL MARKET SALARY INCREASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve critical market salary increases for three Air Quality and three Environmental Health Specialists positions in the Environmental Services Department. Estimated impact for FY 2002-2003 will be \$6,638.57. These increases are budgeted. These individuals have passed registration and certification exams. (C88030508) (ADM3308-001)

**MODIFICATIONS TO PREVIOUSLY APPROVED AGENDA TO CORRECT EFFECTIVE DATES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a modification to Agenda C2200055M01 approved by the Board on March 20, 2002, to correct the "effective dates" cited on the agenda. The effective dates as cited were "from January 1, 2002, to December 30, 2003". The correct dates should have been "from January 1, 2002 to December 30, 2002". Retroactively approve Amendment No. 2 of a Joint Tenancy Agreement between the Valley of the Sun Young Men's Christian Association (YMCA), Arizona State University (ASU) – Williams Campus, and the Maricopa County Human Services Department regarding the Child Care Facility at ASU. The amendment represents the exercise of a second one-year option to renew the agreement. As part of the agreement, various facility management services provided at the facility are billed to the Human Services Department's Head Start Program. The YMCA, as a co-tenant of the facility, will reimburse the Head Start Program for a pro-rated percentage of these costs. The reimbursement is not to exceed \$3,600. The term of this agreement shall be from January 1, 2003, to December 31, 2003. (C2200055M02)

**AMENDMENTS TO EXPENSE CONTRACTS/INTERGOVERNMENTAL AGREEMENTS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following amendments to expense contracts/intergovernmental agreements. These agreements do not contain any county general funds.



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- a) Amendment No. 2 to expense contract with Save the Family Foundation for a not-to-exceed amount of \$27,770 for the period of July 1, 2003, through June 30, 2004. The amendment represents the county's option to renew the contract for an additional 12-month period. The funds are provided to Maricopa County on a formula-based allocation basis by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. Save the Family Foundation will utilize the funds to help support their general and administrative operating expenses in compliance with the requirements of the ESG program. Continued funding is contingent upon the availability of funds from HUD. (C2202060102)
- b) Amendment No. 2 to expense contract with Catholic Social Services for a not-to-exceed amount of \$27,111 for the period of July 1, 2003, through June 30, 2004. The amendment represents the county's option to renew the contract for an additional 12-month period. The funds are provided to Maricopa County on a formula-based allocation basis by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. Catholic Social Services will utilize the funds to help support their general and administrative operating expenses in compliance with the requirements of the ESG program. Continued funding is contingent upon the availability of funds from HUD. (C2202061102)
- c) Amendment No. 2 to expense contract with New Life Center for a not-to-exceed amount of \$27,111 for the period of July 1, 2003, through June 30, 2004. The amendment represents the county's option to renew the contract for an additional 12-month period. The funds are provided to Maricopa County on a formula-based allocation basis by the U.S. Department of Housing and Urban Development (HUD) under HUD's Emergency Shelter Grant (ESG) program. New Life Shelter will utilize the funds to help support their general and administrative operating expenses in compliance with the requirements of the ESG program. Continued funding is contingent upon the availability of funds from HUD. (C2202062102)

**AMENDMENT TO EXPENSE CONTRACT WITH VALLEY METRO**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve Amendment No. 1 to expense contract with Valley Metro for the provision of transportation services on the Southwest Transit and Regional Transportation (START) routes serving the areas of Avondale, Goodyear, Litchfield Park, and Tolleson. Amendment No. 1 increases the contract amount by \$250,000, from \$510,000 to \$760,000, and extends the term of the contract for one year, from June 30, 2003, to June 30, 2004, resulting in a new contract term of July 1, 2001, through June 30, 2004. Funding for amendment No. 1 is federal funding under the Transportation Equity Act (Tea 21), Job Access/Reverse Commute Program, provided to Maricopa County via the City of Phoenix, as the designated recipient of Federal Transportation Authority (FTA) funds for the region. This amendment is effective January 1, 2003. This contract does not contain any county general funds. (C2202137001)

**AMENDMENT TO NON-FINANCIAL INTERGOVERNMENTAL AGREEMENT WITH EAST VALLEY INSTITUTE OF TECHNOLOGY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 2 to the non-financial Intergovernmental Agreement with East Valley Institute

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of Technology to provide the Maricopa County Human Services Department with Head Start and Early Head Start classroom facilities and playground access at 1601 West Main, Mesa, Arizona. This amendment is necessary to extend the agreement for twelve months and include the use of additional Early Head Start classrooms. The current agreement expires on June 30, 2003. The amendment is effective upon approval by the Board of Supervisors and the IGA terminates on June 30, 2004. This agreement does not include any county general funds. (C2202064202)

**AMENDMENTS TO INTERGOVERNMENTAL AGREEMENTS/CONTRACTS REGARDING  
COMMUNITY ACTION PROGRAMS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following amendments to intergovernmental agreements/contracts for the continued operation of Community Action Programs to help low-income, high-risk and special needs residents achieve economic self-sufficiency. The contract amendments are contingent upon the final approval of the County's FY 2004 budget, and the receipt of a fully executed agreement between Maricopa County and the Arizona Department of Economic Security. There is no long-term commitment on the part of Maricopa County to continue these programs beyond the terms of the amendments. The amendments to the intergovernmental agreements/contracts require the contractors to develop and implement programs and services that address the following goals; Securing and Maintaining Employment, Securing Adequate Education, Better Income Management, Securing Adequate Housing, Providing Emergency Services, Improving Nutrition, Creating Linkages Among Anti-Poverty Programs; and Achieving Self-Sufficiency.

- a) Amendment No. 2 to IGA with the Town of Buckeye. The current agreement expires on June 30, 2003. The amendment will provide the Town of Buckeye funding in a not-to-exceed amount of \$94,105, for the period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$62,793) and Maricopa County (\$31,312). (C2202047202)
- b) Amendment No. 2 to IGA with the City of El Mirage. The current agreement expires on June 30, 2003. The amendment will provide the City of El Mirage funding in a not-to-exceed amount of \$104,301, for the period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$69,598) and Maricopa County (\$34,703). (C2202050202)
- c) Amendment No. 2 to IGA with the Town of Guadalupe. The current agreement expires on June 30, 2003. The amendment will provide the Town of Guadalupe funding in a not-to-exceed amount of \$78,626, for the period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$52,466) and Maricopa County (\$26,160). (C2202053202)
- d) Amendment No. 2 to IGA with the City of Tolleson. The current agreement expires on June 30, 2003. The amendment will provide the City of Tolleson funding in a not-to-exceed amount of \$84,132 for the period of July 1, 2003 to June 30, 2004. Funding is being provided by the Arizona Department of Economic Security (\$56,141) and Maricopa County (\$27,991). (C2202057202)
- e) Amendment No. 2 to contract with Community Services of Arizona, Inc., for the continued operation of the Chandler Community Action Program. The current agreement expires on June 30, 2003. The amendment will provide the Community Services of Arizona, Inc., funding in a not-to-exceed amount of \$141,300, for the

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period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$94,285) and Maricopa County (\$47,015). (C2202048102)

- f) Amendment No. 2 to contract with the Community Services of Arizona, Inc., for the continued operation of the Gilbert Community Action Program. The current contract expires on June 30, 2003. The amendment will provide the Community Services of Arizona, Inc., funding in a not-to-exceed amount of \$78,880, for the period July 1, 2003, through June 30, 2004. The funding is being provided by the Arizona Department of Economic Security (\$52,635) and Maricopa County (\$26,245). (C2202049102)
- g) Amendment No. 2 to contract with Foundation for Senior Living, Inc., for the continued operation of the Peoria and Wickenburg Community Action Programs. The current contract expires on June 30, 2003. The amendment will provide Foundation for Senior Living, Inc. funding in a not-to-exceed amount of \$170,427 for the period of July 1, 2003 through June 30, 2004. Funding is being provided by the Arizona Department of Economic Security (\$113,721) and Maricopa County (\$56,706). (C2202054102)
- h) Amendment No. 2 to contract with Tempe Community Action Agency, Inc. for the continued operation of a Community Action Program (CAP). The current contract expires on June 30, 2003. The amendment will provide Tempe CAP funding in a not-to-exceed amount of \$182,148 for the period of July 1, 2003 to June 30, 2004. Funding is being provided by the Arizona Department of Economic Security (\$121,543) and Maricopa County (\$60,605). (C2202056102)

**AMENDMENT TO CONTRACT WITH GET FRAMED, INC. dba DRIVERS ONLY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Amendment No. 3 to the contract with Get Framed, Inc., dba Drivers Only, to increase the total contract funding by \$360,000 (from \$825,000 to \$1,185,000), to include both FY 2003 and FY 2004 funding. The amendment is necessary to respond to increased demand of transportation services and costs associated with providing drivers. The contract provides drivers to deliver transportation services to elderly, disabled, and low-income residents, as well as provide noon meals to homebound elderly individuals. The funding for this program is from city and town contributions, Arizona's Department of Economic Security's Refugee Resettlement Program, Federal Transit Administration's Job Access and Reverse Commute grant, and Area Agency on Aging. No county general funds are included in the funding for this amendment. The period of performance of the amendment is from June 18, 2003, through August 31, 2003. (C2203071103)

**INTERGOVERNMENTAL AGREEMENT WITH CITY OF PHOENIX**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to retroactively approve an Intergovernmental Agreement (IGA) with the City of Phoenix, Human Services Department, to establish shared responsibilities for organizing, sponsoring, and conducting joint job fairs and other employer-related events and activities in Maricopa County. The City of Phoenix will serve as the fiscal agent with Maricopa County reimbursing the City for 50% of the net expenditures incurred for these activities, not to exceed \$8,000 total. The term of the IGA is September 1, 2002, through June 30, 2004. Funding for this agreement is federal Workforce Investment Act (WIA) funds provided to Maricopa

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County via the Arizona Department of Economic Security. This agreement does not contain any county general funds. (C22031082)

**INTERGOVERNMENTAL AGREEMENTS FOR HEAD START FOOD CATERING SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following Intergovernmental Agreements for the provision of food catering to participants in Maricopa County's Head Start programs. Funding for the IGA's is derived from the Arizona Department of Education (via the U.S. Department of Agriculture's Child/Adult Care program), and the U.S. Department of Health and Human Services. The term of the IGA's is October 1, 2003, through September 30, 2004, and do not include any County General Funds.

- a) Chandler Unified School District - The IGA represents a fixed price agreement per each meal and snack served for an annual amount not-to-exceed \$231,483. The IGA requires the district to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. (C22040052)
- b) Kyrene Elementary School District for the provision of food catering to participants in Maricopa County's Head Start. The IGA represents a fixed price agreement per each meal and snack served for an not-to-exceed annual amount of \$9,364. The IGA requires the district to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. (C22040062)
- c) Mesa Unified School District for the provision of food catering to participants in Maricopa County's Head Start program. The IGA represents a fixed price agreement per each meal and snack served for an annual amount not-to-exceed \$403,899. The IGA requires the district to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. (C22040082)
- d) Maricopa Community College District, on behalf of Scottsdale Community College's Child Development Center, for the provision of food catering to participants in Maricopa County's Head Start program. The IGA represents a fixed price agreement per each meal and snack served for an annual amount not-to-exceed \$17,594. The IGA requires the Child Development Center to provide a minimum of 1/3 to 2/3 of the daily-recommended dietary allowances. (C22040122)

**COST REIMBURSEMENT CONTRACTS WITH CATHOLIC SOCIAL SERVICES OF CENTRAL AND NORTHERN ARIZONA, INC.**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following cost reimbursement contracts between Catholic Social Services of Central and Northern Arizona, Inc., an approved delegate agency, and Maricopa County's Human Services Department for the provision of Head Start services in the western part of the county. These contracts are effective on July 1, 2003, and shall terminate June 30, 2004, and do not include any county general funds.

- a) The target population includes low-income three and four year old children and their families. The contract amount is \$6,022,398. Funding under this agreement is based on "Notification of Funding Availability", by the funding source, U.S.

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Department of Health and Human Services (USDHHS), not to exceed \$7,250,000. (C22040131)

- b) The target population includes low-income families with children under age three and pregnant women. The contract amount is \$665,024. Funding under this agreement is based on "Notification of Funding Availability" by the funding source, U.S. Department of Health and Human Services (USDHHS), not to exceed \$1,750,000. (C22040141)

**CRITICAL MARKET SALARY INCREASE**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a critical market salary increase for Medical Examiner position in the Office of the Medical Examiner, retroactive to May 12, 2003. Approval of this item will allow the OME to raise the salary of a Medical Examiner, who has successfully completed her Anatomic Pathology (AP) medical board, to the amount advertised and budgeted for this medical board certification level. (C2903008) (ADM3308-001)

**MASTER PLANS/STUDIES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the following master plans/studies as planning tools. All requirements of the plans relating to the drainage review process will be routed and carried out through the One Stop Shop Program. (ADM1915-003)

- a) Glendale/Peoria Area Drainage Master Plan, adopted by the Board of Directors of the Flood Control District on December 5, 2001. (C44030130)
- b) North Peoria Area Drainage Master Plan, adopted by the Board of Directors of the Flood Control District on August 7, 2002. (C44030140)
- c) Laveen Area Drainage Master Plan, adopted by the Board of Directors of the Flood Control District on August 7, 2002. (C44030150)
- d) Spook Hill Area Drainage Master Plan, adopted by the Board of Directors of the Flood Control District on November 6, 2002. (C44030160)
- e) Durango Area Drainage Master Plan, adopted by the Board of Directors of the Flood Control District On December 18, 2002. (C44030170)
- f) Higley Area Drainage Master Plan, adopted by the Board of Directors of the Flood Control District on March 21, 2001. (C44030180)
- g) East Maricopa Floodway Capacity Mitigation and Multi-Use Corridor Study, adopted by the Board of Directors of the Flood Control District on March 19, 2003. (C44030190)
- h) Queen Creek/Sanokai Wash Hydraulic Master Plan, adopted by the Board of Directors of the Flood Control District on March 21, 2001. (C44030200)

**CHANGE ORDERS TO CONTRACT WITH TARGET GENERAL, INC.**

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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order Nos. 17 and No. 18 to Contract JE01-02 with Target General, Inc. in the amount of \$970,459 and \$116,646, respectively. This contract is for the construction of the Lower Buckeye Jail Adult Detention Facility. Change Order No. 17 and No. 18 incorporate various changes required to complete construction and allow occupancy. The increase is within the project budget. The contract was awarded May 9, 2001, in the amount of \$98,942,000. (C4001010001)

**CHANGE ORDER TO CONTRACT WITH SMITH WOODS CONTRACTING**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve Change Order No. 8 to Contract JE01-07 with Smith Woods Contracting in the amount of \$152,011. This contract is for the construction of the Southeast Juvenile Detention Facility. Change Order No. 8 incorporates various changes required to complete construction and allow occupancy. The increase is within the project budget. The contract was awarded October 1, 2001, in the amount of \$13,710,000. (C4001025102)

**REALLOCATIONS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the reallocation of \$302,000 from FY 2002-2003 General Fund Major Maintenance projects, as listed below, to Project No. 2002301398 Old Court House Building No. 3401 Building Improvements – Building Restoration Phase 3 - Fund 100, Agency 480, Org. 4832, Object 0915.01: (C70030588) (ADM800)

- a) \$7,000 from Project No. 2001230359 West Court Building No. 3301 Infrastructure Improvements –Mechanical/Electrical Upgrades- Fund 100, Agency 480, Org. 4832, Object Code 0825.02.
- b) \$10,000 from Project No. 2001202029 West Court Building No. 3301 Infrastructure Improvements-Install Fire Pump-Fund 100, Agency 480, Org. 4832, Object Code 0915.01.
- c) \$44,000 from Project No. 2001226781 Durango Juvenile Probation Building No. 1916 Infrastructure Improvements –Replace HVAC, Electrical, Lighting, Windows, Flooring, Roofing, etc. - Fund 100, Agency 480, Org. 4832. Object Code 0915.01.
- d) \$33,000 from Project No. 2002303637 NW Phoenix Justice Court Building No. 4126 Infrastructure Improvements-Minor Remodel – Fund 100, Agency 480, Org. 4832, Object Code 0825.02.
- e) \$130,000 from Project No. 2002301405 MCSO Computer Center Building No. 4121 Infrastructure Improvements, Fund 100, Agency 480, Org. 4832, Object 0825.02.
- f) \$78,000 from Project No. 2002320197 Blue Point Building No. 6602 Infrastructure Improvements – Booking Trailer Replacement - Fund 100, Agency 480, Org. 4832, Object Code 0915.01.

**MONTH-TO-MONTH STORAGE UNIT LEASE AGREEMENT WITH KOLL BREN FUND V.I.P.**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve month-to-month storage unit lease agreement No. L7337, with Koll Bren Fund V, L.P. for 128 square feet of dead storage space in space number 117, at 411 North Central Avenue. The term is from

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June 1, 2003, through June 30, 2004, at a cost of \$131.07 per month or \$1,572.84 per year. Total cost for the 13-month term is \$1,703.91. (C44030221)

**EASEMENTS & RIGHT-OF-WAY**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve easements, right-of-way documents, and relocation assistance for highway and public purposes as authorized by road file resolutions or previous Board of Supervisors action. (ADM2007)

A211.012      Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) - Easement  
(EGA)           and Agreement for Highway Purposes - Parcel No. 401-84-018E - Wiltel  
                     Communications LLC - for the sum of \$10.00.

A211.012      Project No: 69010 - Hyder Road - Maricopa County Line (to 555th Avenue) - Purchase  
(EGA)           Agreement and Escrow Instructions - Parcel No. 401-84-018E - Wiltel Communications  
                     LLC.

A231.007      Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Easement  
(AC)           and Agreement for Highway Purposes - Parcel No. 219-26-139 - Patricia A. Smart - for  
                     the sum of \$10,045.00.

A231.007      Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) - Purchase  
(AC)           Agreement and Escrow Instructions - Parcel No. 219-26-139 - Patricia A. Smart.

A231.008      Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) – Easement  
(AC)           and Agreement for Highway Purposes - Parcel No. 219-26-138 - Rodney K. Herriott -  
                     for the sum of \$7,879.00.

A231.008      Project No: 69010 - 80th Street (Hermosa Vista Drive - McDowell Road) – Purchase  
(AC)           Agreement and Escrow Instructions - Parcel No. 219-26-138 - Rodney K. Herriott.

A245.001      Project No: 69010 - Mallory Street (85th Street to 87th Stree) – Easement and  
(TS)           Agreement for Highway Purposes - Parcel No. 219-31-012A - Kenneth M. Grise and  
                     Joanne C. Grise, as Trustee - for the sum of \$4,590.00.

A245.001      Project No: 69010 - Mallory Street (85th Street to 87th Stree) - Purchase Agreement  
(TS)           and Escrow Instructions - Parcel No. 219-31-012A - Kenneth M. Grise and Joanne C.  
                     Grise, as Trustee.

M-2152        Project No: Chandler Heights Basin Project - Assignment of Easements - Grantor:  
(JPP)           Maricopa County - Grantee: Flood Control District of Maricopa County - for the sum of  
                     \$1.00.

X-0540        Project No: 68927 - Ellsworth Road - Agreement for Right of Entry - Parcel No. 304-02-  
(CS)           001C, 001D – Anna Lou Kelso, Anna Lou Kelso as Trustee, Julia Craig Kelety, Gordon  
                     S. W. Craig and Howard C. Craig - for the sum of \$500.00.

X-1601-1      Project No: 68840 - Estrella IIB (El Mirage to lake Pleasant Road) - Temporary  
(LJS)           Construction Easement and Agreement for Highway Purposes - Parcel No. 201-21-  
                     023A – Vincent R. D'Apuzzo and Betty J. D'Apuzzo, as Trustees - for the sum of

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\$500.00.

**ROAD ABANDONMENT (ROAD FILE NO. 5265)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) that the following resolution be adopted: (C6403258B)

**WHEREAS**, pursuant to A.R.S. §28-6701 and 28-7202 et seq., it appears to the Board that the abandonment of the following-described property may be effected without damage to the public or adjacent landowners:

That certain roadway known as 180th Street lying within Section Twenty-Five (25), Township Five (5) North, Range Six (6) West, of the Gila and Salt River Base and Meridian, Maricopa County, Arizona, whose centerline is described as follows:

BEGINNING, at the South quarter corner (S¼) of said Section 25, being the centerline intersection of 180th Street and Rio Verde Road; THENCE, North, along the North-South mid-section line to the terminus of said centerline at the in North quarter corner (N¼) of said Section 25, being the centerline intersection of 180th Street and Dixileta Drive.

EXCEPT, those portions thereof lying within Dixileta Drive and within Rio Verde Drive.

(Said roadway known as 180th Street, from Dixileta Drive to Rio Verde Drive)

**WHEREAS**, the Board believing that the granting of said petition requesting abandonment is in the best interests of Maricopa County; and

**WHEREAS**, the County Engineer of Maricopa County, Arizona, has recommended the abandonment be approved;

**NOW, THEREFORE, IT IS ORDERED** that the above-described property be abandoned, subject to existing easements if any, and no rights or privileges to public utilities are affected by this abandonment, and the County Engineer is hereby directed to make a plat of the survey of same and cause it to be recorded in the Office of the County Recorder of Maricopa County as provided by law.

**DATED** this 18<sup>th</sup> day of June 2003.

**LICENSE TO SPRINT SPECTRUM, LP**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to grant a license to Sprint Spectrum L.P. for the installation of a wireless telecommunication antenna on an existing Arizona Public Service utility pole in Maricopa County right-of-way located at 6449 East Lone Mountain Road. The annual fee will be in the amount of \$5,000. The term of this license is 20-years, and will be paid upon signing of the agreement and annually thereafter. This antenna will add 8-feet in height to the pole. (C6403245C) (ADM2016)

**CRITICAL MARKET SALARY INCREASE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve critical market salary increase for Public Works Lead position (Control No. 2003211) in



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Department of Transportation, retroactive to April 28, 2003. This request is an equity issue between the employee and other equipment operators for whom he is responsible for leading and directing in daily work. (C64032515) (ADM3308-001)

**CALL FOR BIDS AND AWARD – CONSTRUCTION OF QUEEN CREEK ROAD CULVERT AT THE EASTERN CANAL**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the solicitation for bids for the construction of the Queen Creek Road Culvert at the Eastern Canal, Project EQCE, (Work Order No. 68962), and approve the award of a contract to the lowest responsive bidder, providing that the lowest responsive bid does not exceed the engineer's estimate by more than 10%. (C64032595)

**ANNEXATIONS OF COUNTY RIGHT-OF-WAY BY THE TOWN OF BUCKEYE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve annexations by the Town of Buckeye of County right-of-way, as follows: (ADM4202)

- a) Buckeye (Yuma) Road (from 239th Avenue alignment East to Watson Road (235th Avenue). together with the West 40' feet of Watson Road from Durango Street alignment North to Buckeye Road, described as the South 33 feet of the SE ¼ of Section 9 together with the North 40 feet of the NE ¼ of Section 16, together with the East 40 feet of the NE ¼ of Section 16, all sections are located within T1N, R3W, in accordance with Town Ordinance No. 09-03. (C64032605) (ADM4202)
- b) A portion of Beloit Road, the South 33' (feet), of Beloit Road lying 740' (feet) West of Miller Road, described as the North 33 feet of the East 790 feet of the Northeast ¼ of Section 7, T1S, R3W, in accordance with Town Ordinance No. 17-03. (C64032615) (ADM4202)

**ANNEXATION OF COUNTY RIGHT-OF-WAY BY THE CITY OF GOODYEAR**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the annexation by the City of Goodyear of County right-of-way within Van Buren Street (Cotton Lane to Sarival Avenue), described as the South 55 feet of the SW ¼; EXCEPT the West 55 feet thereof; together with the South 33 feet of the SE ¼ of Section 1, EXCEPT the East 43 feet thereof. Also the North 55 feet lying west of the Northeast ¼ of the Northeast ¼; Except the West 55 feet thereof; together with the North 33 feet of the Northeast quarter lying West of the West line of the East 43 feet, in accordance with City Ordinance No. 03-840. (C64032625) (ADM4208)

**MARICOPA INTEGRATED HEALTH SYSTEMS PERSONNEL AGENDA**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Maricopa Integrated Health Systems Personnel Agenda. (List on file in the Clerk of the Board's Office.)

**REVENUE CONTRACT WITH AREA AGENCY ON AGING, REGION ONE, INCORPORATED**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a revenue contract with and accept the funding from Area Agency on Aging (AAA), Region

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One, Incorporated to provide Case Management Services for Senior Adult Independent Living (SAIL) program. The term of this contract is July 1, 2003, through June 30, 2004. The not-to-exceed amount for this period payable by AAA is \$1,271,174, and the county match is not-to-exceed \$679,789, bringing the total contract to a not-to-exceed of \$1,950,963. The unit rate paid under this contract is \$42.26/hr. This contract may be extended for a period of one year. This contract may be terminated for convenience with 30-days notice from AAA or 60-days notice from MIHS. (C6002086103)

**CONTRACT WITH FOUNDATION FOR SENIOR ADULT LIVING (FSAL) PROGRAMS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a new contract with Foundation for Senior Adult Living (FSAL) Programs for the provision of assisted living services in units. Contract term will be upon execution by the Board of Supervisors through September 30, 2005, with the ability to extend up to five years. The amount not-to-exceed is \$797,635. This contract has a 90-days termination for convenience provision. (C60031441)

**AMENDMENTS TO REVENUE CONTRACTS WITH ARIZONA DEPARTMENT OF HEALTH SERVICES**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the following amendments to revenue contracts with the Arizona Department of Health Services for medical and dental primary care services to extend the Contract term one-year from July 1, 2003 to June 30, 2004. There is no specific allocation of money at this time. Upon approval of funds by the Arizona State Legislature for Arizona's Tobacco Tax Programs, ADHS will notify MIHS of the amount of allocation by the issuance of a Purchase Order. MIHS will not provide any services under this Contract until a purchase order is received. This Contract may be renewed for an additional one-year period or portion thereof, and may be terminated by MIHS with mutual consent of both parties with 60-days written notice.

- a) Amendment No. 9 (ADHS No. 056020) (C9000062309)
- b) Amendment No. 7 (ADHS No. 156007) (C9001005108)

**INTERGOVERNMENTAL AGREEMENT WITH PHOENIX UNION HIGH SCHOOL DISTRICT NO. 210**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve a new Intergovernmental Agreement between Phoenix Union High School District No. 210 and Maricopa Integrated Health System for optometry examinations for students who are being evaluated for eligibility under the IDEA law or who have been evaluated and determined to be an eligible student with a visual impairment. Term of the agreement is upon approval by the Board of Supervisors through February 28, 2004. This agreement will automatically renew for additional terms of one year each until terminated by either party. Either party may terminate this agreement with 30-days written notice. Approximate annual revenue is \$300. The negotiated rate is \$25 per exam, based on a \$0.61 discount off AHCCCS rate. (C90030312)

**REAPPOINTMENTS TO THE COMMUNITY DEVELOPMENT ADVISORY COMMITTEE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to reappoint the following to the Community Development Advisory Committee, District 4 nominee. The term of the appointments is July 1, 2003, through June 30, 2004.

- a) Carol Ann Beard (C04030109) (ADM1501)

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b) Doris Heisler (C04030119) (ADM1501)

**HEARING SET - MARICOPA HEALTH SYSTEMS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing for 9:00 a.m., Wednesday, July 30, 2003, to consider the adoption of a Resolution approving the Maricopa Integrated Health System ("MIHS") 2003 Ability To Pay Program Policy ("ATPP-2003"), pursuant to A.R.S. §§11-251(5) and 11-291, to supercede and replace MIHS' 2002 Ability To Pay Program ("ATPP-2002"), effective upon Board of Supervisors' approval. The new program enacts changes to ATPP-2002. (C9097053603) (ADM2201)

**ROAD FILE DECLARATIONS**

Petitions have been filed for declaration of the following roads into the County highway system. Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve scheduling a hearing for 9:00 a.m., Wednesday, July 30, 2003:

**Road File A260:** General vicinity of 222<sup>nd</sup> Street from Pecos Road to Williams Field Road. (C64032525)

**Road File A285:** General vicinity of 14<sup>th</sup> Street from Cloud Road to end of maintenance. (C64032535)

**Road File A288:** General vicinity of Maddock Road from 17<sup>th</sup> Avenue to 11<sup>th</sup> Avenue. (C64032545)

**HEARING SCHEDULED - PLANNING AND ZONING CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to schedule a public hearing on any Planning, Zoning and Building Code cases in the unincorporated areas of Maricopa County for March 5, 2003, at 9:00 a.m. in the Board of Supervisors Auditorium, as follows:

**Z99-31V; Z9999-78; Z2000-109; Z2000-136; Z2002-073; Z2002-074; Z2002-078; Z2002-092; Z2002-102; Z2002-108; Z2002-121; Z2002-158; DMP2002-006**

**INDUSTRIAL DEVELOPMENT AUTHORITY VARIABLE RATE MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (SONORA VISTA II APARTMENTS PROJECT)**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to adopt the following captioned resolution, on file in the Office of the Clerk of the Board of Supervisors and retained in accordance with Arizona State Libraries, Archives, and Public Records (ASLAPR). (ADM4792)

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF MARICOPA COUNTY, ARIZONA, APPROVING THE ISSUANCE OF THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE COUNTY OF MARICOPA VARIABLE RATE MULTIFAMILY HOUSING REVENUE REFUNDING BONDS (SONORA VISTA II APARTMENTS PROJECT), SERIES 2003A AND MULTIFAMILY HOUSING REVENUE REFUNDING**

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**BONDS (SONORA VISTA II APARTMENTS PROJECT), SERIES 2003B, IN AN AMOUNT NOT-TO-EXCEED \$4,720,000 (THE "BONDS").**

**MINUTES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve minutes of the Board of Supervisors meeting held February 18, 2003.

**PRECINCT COMMITTEEMEN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the appointment and cancellation of appointment of Precinct Committeemen. (ADM1701)

**2004 NACo ANNUAL CONFERENCE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the acceptance of cash and in-kind contributions generated for the 2004 NACo Annual Conference through corporate sponsorships and donations. These contributions will support the expenses associated with Maricopa County's responsibilities as the July 2004 conference host. Itemized listing of commitments and donations received will be on file in the Office of the Clerk of the Board of Supervisors. (C2003015M) (ADM652)

**ARIZONA STATE RETIREMENT SYSTEM - PAYMENT OF CLAIMS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize payment of claims made by current or former employees regarding contributions not withheld for purposes of participation in the Arizona State Retirement System. (List on file in the Office of the Clerk of the Board of Supervisors.) (ADM3309)

**OFFICIAL APPOINTMENTS AND OATHS OF OFFICE**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to authorize the Official Appointments and Oaths of Office of Joey Baca, Suzanne Barr, Lara Fowler, Cheryl Kelly, and Thomas McDermott, as special deputy county attorney in the Office of the County Attorney.

**SECURED TAX ROLLS**

No tax rolls were submitted by the Assessor at this time. (ADM705)

**OFF-TRACK PARI-MUTUEL WAGERING PERMIT**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve applications filed by Turf Paradise Race Course for Off-Track Pari-mutuel Wagering Permits for telecasting at the following locations, covering race dates June 1, 2003 through May 31, 2006. (ADM151)

- New River Station, 47020 North Black Canyon Highway, New River
- Grace Inn, 10831 South 51<sup>st</sup> Street, Phoenix

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**DUPLICATE WARRANTS**

Necessary affidavits having been filed, pursuant to A.R.S. §11-632, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve issuing duplicate warrants to replace county warrants and school warrants which were either lost or stolen. (ADM1823) (ADM3809)

**COUNTY**

<b>NAME</b>	<b>WARRANT</b>	<b>FUND</b>	<b>AMOUNT</b>
Robert Berry	C053132	Payroll	\$990.41
Mary Frances Johnsen	C028822	Payroll	\$85.00
Bingham Equipment Company	330541228	Expense	\$50.57
South Phoenix Justice Court	330538820	Expense	\$1,540.00

**SCHOOL**

<b>NAME</b>	<b>SCHOOL</b>	<b>WARRANT</b>	<b>AMOUNT</b>
Gregory Fowler	Avondale Elementary S. D.	13-0140165	\$1,629.75
Renaissance Learning	Queen Creek Schools	43101429	\$303.84
Weekly Reader Corporation	Pendergast S. D. #92	43-62851	\$52.90
Mohave Educational Svc. Co-Op	Roosevelt S. D.	430112395	\$62,845.04
Mary S Negrete	Phoenix Elementary #1	13-0137937	\$366.49
Mary S Negrete	Phoenix Elementary #1	13-0138252	\$171.65
Manuel G Rodriguez	PESD #1	13-0138202	\$678.97
Therapeutic Residence	Madison S. D. #38	43-0121265	\$1,650.00
Snigdha Sharma	Roosevelt S. D. #66	130121616	\$706.06
Ruth I Pieper	FHUSD #98	13-0147035	\$3,881.52
Ruth I Pieper	FHUSD #98	13-0146961	\$919.37

**STALE DATED WARRANTS**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to find that claims presented pursuant to A.R.S. §11-644 are legitimate and that claimants have demonstrated good and sufficient reason for failure to present the original check or warrant within the allotted time. Accordingly, the claims are allowed. (ADM1816)

<b>NAME</b>	<b>AMOUNT</b>
Eugene L White	\$74.38
Rebecca Southwick	\$99.25
Bonnie J Sparks-DeFriesse	\$1024.52
Cathy Wood	\$93.60
Carolyn Belles	\$13.86
Chris Contreras	\$242.24
Lorenzo Nevarez	\$26.00
Social Security Administration	\$2,287.00
Beverly Turner	\$6,560.00
Ann Elizabeth Hamlin	\$103.20
Nancy Kay Bengoechea	\$43.32
Liberty Ann Spurgiesz	\$43.32

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**SETTLEMENT OF TAX CASES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the settlement of tax cases, list dated June 18, 2003. (ADM704)

**2003**

ST 02-000192

TX 02-000479

**2002**

TX 01-000542

**CLASSIFICATION CHANGES**

Pursuant to A.R.S. §42-12054, motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to approve the Assessor's recommendations to change classification and/or reduce the valuation of certain properties which are now owner occupied. (ADM723)

<b>PARCEL NO.</b>	<b>YEAR</b>	<b>OWNER</b>	<b>FROM</b>	<b>TO</b>
128-49-007	2000	Irving Ekelund	LC/4	LC/3
128-49-007	2001	Irving Ekelund	LC/4	LC/3
128-49-007	2002	Irving Ekelund	LC/4	LC/3
140-01-584	2000	Carrie Teeple	LC/4	LC/3
140-01-584	2001	Carrie Teeple	LC/4	LC/3
140-01-584	2002	Carrie Teeple	LC/4	LC/3
177-07-005	2000	Joyce Goljan	LC/4	LC/3
177-07-005	2001	Joyce Goljan	LC/4	LC/3
177-07-005	2002	Joyce Goljan	LC/4	LC/3
207-23-193	2000	Kathleen Bauer	LC/4	LC/3
207-23-193	2001	Kathleen Bauer	LC/4	LC/3
207-23-193	2002	Kathleen Bauer	LC/4	LC/3
208-18-159	2000	Vueng H Nguyen	LC/4	LC/3
208-18-159	2001	Vueng H Nguyen	LC/4	LC/3
208-18-159	2002	Vueng H Nguyen	LC/4	LC/3
214-06-526	2000	Gretchen Way	LC/4	LC/3
214-06-526	2001	Gretchen Way	LC/4	LC/3
214-06-526	2002	Gretchen Way	LC/4	LC/3
217-36-217	2000	Shirley Colin	LC/4	LC/3
217-36-217	2001	Shirley Colin	LC/4	LC/3
217-36-217	2002	Shirley Colin	LC/4	LC/3
503-30-038L	2002	Connie Rodney	LC/4	LC/3

**COMPROMISES**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to accept the requested compromises as payment in full for the following cases: (Discussed in Executive Session held June 2, 2003.) (ADM407)

William DeMoss	\$2,250.00	Audra Granillo	\$ 420.16
Jeremy Harris	1,200.00	ICA Technologies	1,394.56

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Aaron Jiminez	3,600.00	Carlos Morando	1,250.00
Johnny Ortiz, Jr.	600.00	Zuleyma Ostos	572.46
Nestor Pineda	466.55	DeLaron Richardson	2,500.00
Maxine Schumann	2,500.00	Vernon Smith	6,000.00
Patrick Strang	4,200.00		

**BYLAWS RECOMMENDATION TO THE HOUSING AUTHORITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the form of bylaws to be recommended to the Housing Authority Board of Commissioners for their consideration and adoption. (Addendum item A-2.) (C06030126) (ADM2401)

**INTERGOVERNMENTAL AGREEMENT BETWEEN MARICOPA COUNTY AND HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the form of Intergovernmental Agreement between Maricopa County and the Maricopa County Housing Authority Board of Commissioners to be considered by the Housing Authority Commissioners at their first meeting. (Agenda item A-3) (C06030132)

**TERMS OF OFFICE ESTABLISHED FOR HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Consider approving the establishment of a seven member Board of Commissioners with staggered terms as follows: (Addendum item A-4) (C06030149) (ADM2401)

- One member appointed by each of the five supervisors
- One member recommended by the County Administrative Officer, subject to Board of Supervisors approval
- One member who is a resident in good standing of a housing project financed and/or operated by the Authority appointed by the Board of Supervisors.

Initial appointments to the Board of Commissioners shall be for staggered terms as follows:

- Length of term Appointing Authority/Member Qualification - Number of members  
3 years - Districts 1, 2, & 5 Supervisors = 3  
2 years - District 3 & 4 Supervisors = 2  
1 year - County Administrative Office = 1  
1 year - Resident Member = 1

All subsequent appointments shall be for four-year terms. Members appointed by the Supervisors are:

- District 1, Rick Cole, for a term of three years from July 1, 2003, through June 30, 2006.
- District 2, Denny Dobbins (subject to his acceptance), for a term of three years from July 1, 2003, through June 30, 2006.
- District 3, Gary Corcoran, for a term of two years from July 1, 2003, through June 30, 2005.
- District 4, Nathan (Bud) Schneider, for a term of two years from July 1, 2003, through June 30, 2005.

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- District 5, Rudy Buchanan, for a term of three years from July 1, 2003, through June 30, 2006.

Supervisor Wilcox commented that establishing a Housing Authority is “a giant step forward for affordable housing in Maricopa County.” In reference to an earlier Authority, she said she believed enough safeguards and cross representations have been inserted in this plan to eliminate the problems that occurred previously.

Chairman Brock said that the Board has approved the essential preliminary segments necessary in such an authority, e.g., by-laws and Intergovernmental Agreements. This action is to appoint initial members to serve on the Board. He commented briefly on those who had been nominated to serve on the Board and their respective terms of office. He agreed that this is an important step forward for the County that should produce many positive things in the realm of housing in Maricopa County.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the above appointments as given.

**APPOINTMENT OF GLORIA MUNOZ TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve the recommendation by the County Administrative Officer of Gloria Munoz, as a member of the Housing Authority Board of Commissioners to serve a term of one year, from July 1, 2003, through June 30, 2004. (Addendum item A-5) (C06030159) (ADM2401)

**APPOINTMENT OF TERRI NELSON TO THE HOUSING AUTHORITY BOARD OF COMMISSIONERS**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to approve Terri Nelson, a resident of one of the housing projects financed and/or operated by the Authority, as a member of the Housing Authority Board of Commissioners, to serve a term of one year, from July 1, 2003, through June 30, 2004. (Addendum item A-6) (C06030169) (ADM2401)

**JIM SATTERWHITE AS INTERIM DIRECTOR OF THE MARICOPA COUNTY HOUSING AUTHORITY**

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to appoint Jim Satterwhite as Interim Director of the Maricopa County Housing Authority solely on a temporary basis subject to Board of Commissioner review and approval after consultation with the County Administration Officer. The Board of Commissioners will recommend a person to serve as Secretary of the Authority, and such recommendation shall be subject to the prior, written approval of the CAO. At that time the Secretary shall become the Executive Director of the Authority. (Addendum item A-7) (C06030179) (ADM2401)

**DESIGNATE ONE MEMBER OF THE HOUSING AUTHORITY BOARD OF COMMISSIONERS TO SERVE AS CHAIRMAN**

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to designate Rick Cole to serve as Chairman of the Housing Authority Board of Commissioners for a one-year term from July 1, 2003, through June 30, 2004. (Addendum item A-8) (C06030189) (ADM2401)

**DESIGNATE ONE MEMBER OF THE HOUSING AUTHORITY BOARD OF COMMISSIONERS TO SERVE AS VICE-CHAIRMAN**



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Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to designate Gloria Munoz to serve as Vice-Chairman of the Housing Authority Board of Commissioners for a one-year term from July 1, 2003, through June 30, 2004. (Addendum item A-9) (C06030199) (ADM2401)

**PUBLIC COMMENT**

No member of the public came forward to comment at this time. (ADM605)

**SUPERVISORS'/COUNTY ADMINISTRATIVE OFFICER SUMMARY OF CURRENT EVENTS**

Supervisor Wilson mentioned the many volunteers serving the County in various ways and on various Boards who give freely of their time and efforts to better life for all County residents. He said, "We couldn't function at anything close to the level that we do without the help of those volunteers. We can't thank them too often for the job they do." (ADM606)

Supervisor Kunasek related his recent "full-moon experience with his four-year old daughter on his boat at Lake Pleasant" giving the assurance to residents that the ramps are so well lit at night that launching and landing a boat is facilitated and very safe. He indicated that visibility is "great on the lake at night at the full moon" and the fish were biting. He said that the desert parks are not always "easy" in the summertime but the lake is wonderfully enjoyable during those months and encouraged residents to spend some time there.

**PLANNING AND ZONING**

David Smith left the dais at the end of this portion of the Board meeting. All Board Members remained in session. Joy Rich, [Chief Regional Development Services Officer](#), Darren Gerard, Principal Planner, Matt Holm, Principal Planner, and David Benton, County Counsel, came forward to present the following Planning and Zoning cases. Votes of the Members will be recorded as follows: (aye-no-absent-abstain).

**CONSENT AGENDA DETAIL:**

1.     **Z2003-021     District 3**  
       **Applicant:**     Earl Curley & Lagarde, P.C. for Anthem Arizona, L.L.C.  
       **Location:**     North of Desert Hills Dr. and west of the 27th Ave. align. – near the intersection of  
                              Daisy Mountain Dr. & Meridian Rd. (in the Anthem/Desert Hills area)  
       **Request:**       Rezone from Rural-43 to R1-8 R.U.P.D. – Anthem Arizona (21.3 ac.)

**COMMISSION ACTION:** Commissioner Aster moved to recommend approval of Z2003-021, subject to stipulations "a" through "b". Commissioner Munoz seconded the motion, which passed with a unanimous vote of 7-0.

- a.     Development shall remain in conformance with all stipulations of the Anthem Development Master Plan, DMP2000-08 as amended and the Anthem Plan of Development including the Anthem Design Guidelines, Z2000-098 as amended.
- b.     The applicant shall coordinate development of the site with MCDOT in order to address coordinated access points, pedestrian crossings and internal circulation.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Kunasek, and unanimously carried (5-0) to approve this rezoning.

**REGULAR AGENDA DETAIL:**

**2. CPA2003-002 Districts 4 and 5**

**Applicant:** Commission initiated

**Location:** The planning area is generally bounded by Southern Ave. on the north, the El Paso Gasline Rd. on the south, Citrus Rd. on the east and Rainbow Rd. on the west.

**Request:** To recommend the Rainbow Valley Area Plan Update for adoption in order to: (82 sq. miles)

1. Comply with Eye to the Future 2020, the Maricopa County Comprehensive Plan, and the requirements of the Growing Smarter and Growing Smarter Plus laws,
2. Establish guidelines for development of unincorporated Maricopa County in the planning area, and
3. Promote public health, safety, convenience, and general welfare,

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of CPA2003-002. Commissioner Beckley seconded the motion, which passed with a unanimous vote of 6-0.

Matt Holm indicated that Planning and Zoning cases #2 (CPA2003-002) and #3 (CPA2003-003) would be presented together as they are both related to an update of the Rainbow Valley Area Plan adopted in 1992 as part of the implementation of Future 2020 and in compliance with the Growing Smarter and Growing Smarter Plus requirements. He indicated that this is an appropriate time for this update as recent estimates are for the current population of approximately 3,700 in this area to more than triple by 2020 and the increased development activity in Goodyear and Buckeye will also have an impact on this area. He indicated that the update includes an inventory analysis of current and future environmental, physical and socio-economic conditions; a series of goals, objectives and policies for the eight-plan elements; future land-use designations and an action program of short and long term measures to ensure successful plan implementation. Public comments and input have been received and implemented in the plan.

Supervisor Wilcox said that this plan area is shared by District's 4 and 5 and comments she has received from residents indicate that this plan covers most of what they would like to see implemented in that it buffers and protects much of the rural lifestyle that they want to maintain.

Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission, as presented.

Later in the meeting, Supervisor Wilson asked that the following language be included in this case.

- This planning area is directly underneath the flight paths from Sky Harbor International Airport and from Luke Air Force Base to the Barry M. Goldwater Gunnery Range - public notice and sound attenuation should be encouraged.

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Motion was made to reconsider CPA2003-002 by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0).

Motion was made to include the additional language requested by Supervisor Wilson, seconded by Supervisor Wilcox, and unanimously carried (5-0) with the additional language to be remanded for consideration by the Planning Commission and returned to the Board for final disposition.

**3. CPA2003-003 Districts 4 and 5**

**Applicant:** Commission initiated

**Location:** The planning area is generally bounded by I-10 on the north, Rainbow Rd. on the east, I-8 on the south and Johnson Rd. on the west.

**Request:** To recommend the State Route 85 Corridor Area Plan for adoption in order to: (360 sq. miles)

1. Comply with Eye to the Future 2020, the Maricopa County Comprehensive Plan, and the requirements of the Growing Smarter and Growing Smarter Plus law,
2. Establish guidelines for development of unincorporated Maricopa County in the planning area, and
3. Promote public health, safety, convenience, and general welfare.

**COMMISSION ACTION:** Commissioner Clayburg moved to recommend approval of CPA2003-003. Commissioner Barney seconded the motion, which passed with a unanimous vote of 6-0.

Matt Holm reported on the Planning Commission's action in this matter. Supervisor Wilcox said she had some concerns on this matter after talking to residents in that area and asked to have the following language inserted and this case will be remanded back to the Planning Commission for consideration.

- Add language to the plan which states that buffering should be provided along U.S. Hwy. 80 in the vicinity of the City of Phoenix landfill to help minimize the affects of this landfill on adjacent areas. The language should include actions which screen the landfill through the use of berms, vegetation, and other methods that reduce visual and noise impacts.
- To help notify existing and future property owners and residents near the Town of Gila Bend that future growth potential exists in this area, identify areas along S.R. 85 and south of the Fornes Rd. alignment on the future land use map as "Transition Area". Language in the plan should then describe this area as being intended to notify existing and future property owners and residents that , given its close proximity to Gila Bend, urban growth may occur in these areas should services and infrastructure become available.
- Modify Policy T1.2.2 to state the following: "Support efforts to improve Riggs Rd., and extend and connect Riggs Rd. to S.R. 85."

The following addition was made by Supervisor Wilson:

- This planning area is directly underneath the flight paths from Sky Harbor International Airport and from Luke Air Force Base to the Barry M. Goldwater Gunnery Range - public notice and sound attenuation should be encouraged.

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Motion was made by Supervisor Wilcox, seconded by Supervisor Wilson, and unanimously carried (5-0) to concur with the recommendation for approval of this area plan and to remand the additional language to the Planning Commission for consideration and return to the Board for final disposition.

~ Supervisor Wilcox left the dais ~

**4. DMP2003-001 District 1**

**Applicant:** B&R Engineering for Sun Lakes Marketing Ltd. Partnership

**Location:** West and south of the intersection of Chandler Heights Rd. & Alma school Rd. (in the Sun Lakes area)

**Request:** Major Amendment to the Sun Lakes Master Plan (DMP) to change the land use designation from Multi-Neighborhood Commercial (MNC) to Urban Residential/Medium-Density (UR/M) - Sun Lakes Master Plan (6.9 ac.)

**COMMISSION ACTION:** Commissioner Beckley moved to recommend approval of DMP2003-001, subject to stipulations "a" through "c". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the Development Master Plan document (a spiral-bound narrative report with exhibits) entitled "Sun Lakes Development Master Plan Unit 45-C, 2003 Amendment", prepared by B&R Engineering, stamped received February 27, 2003, except as modified by the following stipulations.
- b. Major changes to the Sun Lakes Development Master Plan with regard to use and intensity must be processed as a revised application with approval by the Board of Supervisors upon recommendation of the Commission. The Maricopa County Planning and Development Department may administratively approve minor changes to the Sun Lakes Development Master Plan.
- c. All other stipulations that remain applicable to the Sun Lakes Development Master Plan documents, as set forth in prior approvals shall remain in effect.

Joy Rich gave the background on this matter. There was no discussion.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with the Planning Commission's recommendation for approval of this Sun Lakes DMP amendment subject to stipulations "a" through "c."

**5. Z2003001 District 1**

**Applicant:** B&R Engineering for Sun Lakes Marketing Ltd. Partnership

**Location:** West and south of the intersection of Chandler Heights Rd. & Alma school Rd. (in the Sun Lakes area)

**Request:** Rezone from C-2 to R-3 R.U.P.D. - Sun Lakes Unit 45-C (6.9 ac.)

**COMMISSION ACTION:** Commissioner Beckley moved to recommend approval of Z2003-001, subject to stipulations "a" through "h". Commissioner Smith seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development shall comply with the document (a spiral-bound narrative report with exhibits) entitled "Narrative Report for Sun Lakes Unit Forty-Five C", prepared by B&R

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Engineering, dated November 2002, and stamped received April 16, 2003, except as modified by the following stipulations.

- b. Driveways shall be a minimum of 19' long as measured from base of garage to back of curb.
- c. All interior streets within the proposed development are to be constructed to minimum County standards.
- d. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- e. Development and use of the site shall comply with requirements for fire hydrant placement and other fire protection measures as deemed necessary by the applicable fire department/district.
- f. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All HVAC units shall be ground-mounted.
- g. Major changes to the RUPD plan (referenced in stipulation 'a') shall be processed as a revised application, with approval by the Board of Supervisors upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- h. Noncompliance with the RUPD plan (referenced in stipulation 'a') or the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action to reconsider this zoning approval.

Joy Rich gave the background on this matter. There was no discussion.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilson, and unanimously carried (4-0-1) to concur with Planning Commission recommendations for approval of this matter subject to stipulations "a" through "h."

**6. DMP2003-002 District 4**

**Applicant:** Mark Dioguardi for Rancho Cabrillo Development, L.L.C.  
**Location:** Southwest corner of the Jomax Rd. & Dysart Rd. alignments (in the Surprise/Peoria area)  
**Request:** Major Amendment to the Development Master Plan (DMP2000-05) - Rancho Cabrillo (590.5 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of DMP2003-002, subject to the following stipulations "a" through "tt". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the Development Master Plan entitled "Development Master Plan Report Rancho Cabrillo", consisting of 163 pages and 37

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exhibits, dated revised August 30, 2000, and stamped received September 4, 2000, except as modified by the following stipulations.

- b. A quality of life assessment of \$377 per unit shall be made available to the Maricopa County Library District to be used for operational purposes only.
- c. An approved traffic impact analysis shall be on file with the Maricopa County Department of Transportation. The analysis shall include development phasing and the offsite improvements necessary to accommodate the anticipated traffic demands. Furthermore, to assure that said improvements are accomplished:
  - 1. The applicant shall contribute no less than \$9,675,000 (based on 2,150 units @ \$4500 per unit) or 12.0 lane-miles of new all-weather access roadways, whichever is the greatest value, as their proportionate share of offsite regional roadway improvements. The amount in this paragraph is based on contributions made in fiscal year 2001-2002. Contributions made in fiscal year 2002-2003 and each fiscal year thereafter shall be adjusted by the annual percentage change in the GDP price deflator as defined in Section 41-563, Subsection E of the Arizona revised statutes. Roadways shall meet county standards in effect at the time of the roadway improvements.
  - 2. If stipulation c.1 does not provide site access to a suitable paved all-weather access roadway that meets county standards in effect at the time of roadway improvement, the applicant shall construct sufficient all-weather access roadways that provide site access to a suitable paved all-weather access roadway. In no case shall the applicants contribution be less in value than that in stipulation C.1. (Unless the basis for said value is adjusted for unit revisions, lane-miles or unforeseen circumstances as approved by the County.)
  - 3. Any roadways constructed in compliance with stipulations C.1 or C.2 shall have alignments consistent with a county approved transportation plan in effect at the time of improvement. At the time of stipulation, such alignments include (a) Jomax Road to 163rd Avenue and continuing to Grand Avenue, (b) a connection to El Mirage Road and continuing to Loop 303 and continuing to either Bell Road or continuing to Lake Pleasant Road as necessary, or (c) connection from the intersection of Dysart Road and Happy Valley Road to Vistancia Boulevard.
- d. The traffic analysis shall be updated prior to the first final plat approval to reflect current conditions in effect at the time of platting. Additional lane capacity on offsite alignments will be reviewed with each resubmittal of the traffic analysis. The Applicant shall provide a financial assurance to guarantee the offsite improvements that are recommended in their approved analysis. Subsequent updates of the traffic analysis will be required by the Maricopa County Department of Transportation if changing conditions warrant.
- e. All identified offsite alignments must be consistent with a county approved transportation plan.
- f. All-weather access shall be provided to all parcels and on all arterial roadways. If initial site access is to 163rd Avenue (Sarival Avenue), Applicant shall provide improvements,

as required, to make 163rd Avenue all-weather accessible to US Highway 60 (Grand Avenue).

- g. A minimum of two access points shall be provided and available to each development phase and/or subdivision unit.
- h. The location of any connections to the Loop 303 shall be reviewed and approved by Maricopa County Department of Transportation.
- i. Provide the ultimate half-width right-of-way on all perimeter boundaries consistent with county approved transportation plan.
- j. For offsite alignments where only two lanes are constructed, the minimum half-width right-of-way shall be acquired. Once a phase requires additional widening of the roadway beyond two lanes, the minimum full-width right-of-way shall be acquired. These widths are minimums and wider rights-of-way may be necessary due to existing terrain.
- k. The applicant is responsible for acquisition of all required rights-of-way.
- l. Applicant shall be responsible for submitting their arterial street network to the MAG Transportation Improvement Program for conformity analysis. Approval is required prior to commencing construction.
- m. Development should be designed to promote pedestrian and bicycle use and other alternative modes of transportation to public facilities within and adjacent to the site, (e.g., bus bays, park-and-ride lots, internal trail systems).
- n. Development design and layout should be consistent with MCDOT Bicycle Plan.
- o. Bike lanes shall be included on all arterial and collector alignments. A bicycle circulation plan shall be provided with each phase of development.
- p. Provide neighborhood access to commercial areas by means other than using the arterial street network.
- q. Use of neighborhood electric vehicles shall be accommodated in this development. Routes and other design features shall be established, as necessary, to provide safe and efficient circulation in conformance with prevailing laws and requirements at time each phase is submitted for approval.
- r. An underground conduit system (or comparable technology) shall be provided within the rights-of-way throughout the development to integrate traffic signals and for future ITS uses.
- s. Private streets are required to meet minimum county standards, unless waived by the Board of Supervisors.
- t. Schools (Pre-High School) shall not be located on arterial roads.

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- u. Street lighting installation shall be the responsibility of the developer. A Street Light Improvement District or comparable authority shall be established to provide operation and maintenance.
- v. Landscaping shall conform to Chapter 9 of the MCDOT Roadway Design Manual. Maintenance of landscaping within public rights-of-way shall be the responsibility of the applicant.
- w. No median improvements, curb and gutter, sidewalk, landscaping or signalization is required on access roads, unless otherwise specified herein or in the agreement referenced below.
- x. A construction traffic circulation plan shall be provided and approved by Maricopa County Department of Transportation prior to commencing construction.
- y. Applicant shall employ appropriate procedures during construction to comply with Maricopa County dust control requirements.
- z. This project is subject to the National Pollutant Discharge Elimination System (NPDES) Stormwater requirements for construction sites under the Environmental Protection Agency (EPA) General Permit for Arizona. Applicant is responsible for complying with these requirements.
- aa. A development agreement or comparable document, addressing access requirements in more detail, as well as internal transportation issues, shall be executed prior to approval of any final plat.
- bb. Not less than 15 acres shall be reserved for the Peoria Unified School District to accommodate the projected need for one elementary school. Developer will continue to make this site available for 15 years after the Board of Supervisors' approval of the Rancho Cabrillo rezoning. In the event that the site is not developed within the 15-year period, or in the event that the Peoria Unified School District ever ceases to use the site, the developer may retain a right of reversion to the developer or the developer's assignee.
- cc. A copy of the dam breach analysis shall be forwarded to ADWR for review and comment prior to approval of the first final plat.
- dd. A revised archaeological survey of the subject property shall be conducted, prior to filing the first preliminary plat, to locate and evaluate cultural resources that might be present.
- ee. The applicant shall obtain clearances and/or approvals from all agencies as listed on the Department of Environmental Services memorandum dated October 18, 2000.
- ff. A Conditional Letter of Map Revision (CLOMR) shall be submitted and approved by the Regulatory Division of the Flood Control District prior to any preliminary plat or precise plan approval for any portion of the subject property other than Phase One. Phase One shall consist of (a) those areas on or about Parcels A, B, C, D, E and F as shown on the approved site plan for Z2000183 and (b) all onsite and offsite improvements and infrastructure relating to the development of said Parcels. This CLOMR shall also be



submitted to FEMA.

- gg. The total number of dwelling units for the Rancho Cabrillo Development Master Plan shall not exceed 2,150 for an overall project density of 3.53 d.u./ac., unless modification of stipulation approval is provided by the Maricopa County Board of Supervisors.
- hh. The developer shall be responsible for construction of all public and private on-site roadways within the designated Rancho Cabrillo boundaries. Further, the homeowners association shall be responsible for the maintenance of all private roads, public open spaces and facilities, washes, parks, roadway median landscaping, landscaping within the public right-of-way adjacent to all major and minor arterial roadways, and of pedestrian, bicycle, and multi-use pathways.
- ii. Any alteration of existing natural washes shall be done in compliance with the rules and guidelines set forth by the United States Army Corps of Engineers.
- jj. Prior to the submittal of each preliminary plat, developer shall provide a "will serve" letter from Arizona Public Service. Developer may submit a "will serve" letter from a different qualified public or private utility in place of Arizona Public Service upon approval by the Maricopa County Planning and Development Department.
- kk. Prior to the submittal of each preliminary plat, developer shall provide a "will serve" letter from Rural Metro Corporation. Developer may submit a "will serve" letter from a different qualified public or private fire service in place of Rural Metro Corporation upon approval by the Maricopa County Planning and Development Department.
- ll. Prior to the submittal of each preliminary plat, developer shall provide a "will serve" letter from Qwest Communications. Developer may submit a "will serve" letter from a different qualified public or private telephone company in place of Qwest Communications upon approval by the Maricopa County Planning and Development Department.
- mm. Comprehensive water and wastewater master plans shall be required for review and approval by the Maricopa County Environmental Services Department prior to the first preliminary plat and/or water and sewer improvement plan submittals.
- nn. Proposed commercial sites within the development shall be subject to a Planned Development overlay.
- oo. One hundred dollars (\$100) per house shall be paid by the developer as each residential building permit is issued to a fund for the White Tank Regional Park for trails and facilities enhancement and maintenance. The County shall deposit and hold all receipts in the Parks Enhancement Fund for the specific purposes stated above. All interest earned on the Fund shall remain an asset of the Fund. The assets of this Fund are not intended to replace existing County appropriations for similar purposes, but rather are intended as supplemental resources resulting from additional park use by Rancho Cabrillo residents. Maricopa County Parks and Recreation Department will provide each residential unit in the Rancho Cabrillo Development Master Plan with a fifty dollar (\$50) voucher, good for only one-year, for entrance into any regional park administered by said Department, except Lake Pleasant Regional Park.

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- pp. The applicant shall provide a minimum of 111 acres of open space in conjunction with this project.
- qq. The applicant shall submit to the Arizona Department of Water Resources an extensive groundwater hydrological report examining expected aquifer production capability, resilience, impacts to adjoining aquifers, aquifer replenishment, pumping regime effects on aquifer contours, etc. This will be required as an adjunct to the zoning process and shall be submitted prior to submittal of any preliminary plats.
- rr. If development of the site has not occurred within 5 years of the date of approval of this development by the Board of Supervisors, staff shall schedule this development for rehearing by the Planning and Zoning Commission to consider initiating a reversion of the property to its original zoning.
- ss. Major changes to this Development Master Plan (the land use plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission.
- tt. Non-compliance with the Development Master Plan (the land use plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

**~ Supervisor Wilcox returned to the Dais ~**

Joy Rich said that this item (DMP2003-002) and item #7 (Z2000-183) are related and will be taken together. The applicant had requested modifications to a number of stipulations "c", "c.3" and "ff" which have been included above. Environmental Services had requested changes to stipulations "mm" and "qq" which are also included above. Stipulation c.3 has had an additional modification, shown below.

Jerry Witt, WLB Group, said the applicant would prefer the language in stipulation "mm" be stated as "due at final plat" and not "prior to the first preliminary plat" as given in the agenda and as requested by Environmental Services.

Ms. Rich indicated that this plan is for wastewater as well as water and staff feels that wording is necessary because of the wastewater issue. She said that "preliminary plat" had been inserted as a "trigger" and that the Planning Commission, having struggled with some speculative projects in this area previously, was trying to give the applicant enough entitlement to move forward with infrastructure planning without including a speculative entitlement. She added that this project was given a five-year sunset period as opposed to some of the more "aggressive ones" having only a two-year period.

Steven Borst, Program Manager with Environmental Services Department, said the County is entering a new era with regard to residential development and is currently coordinating large, dense residential developments that are not under master plans. He explained that this area in question, the McMicken Dam area, will eventually support 40,000 residences and water and sewer services will then be provided by a private water company, Arizona American. He said that the department is trying to coordinate some order in the development of water and sewer in this area of the County. He explained that in December 2002 they had determined that they would approve master plans and zoning for developments "but until there was a regional solution for water and sewer, the point of development would be held at preliminary plat." He indicated that this stipulation has already been approved in many development applications prior

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to this one and that this application is consistent with other developments in this area. He said that this stipulation provides the department with a tool to assure regional solutions for water and sewer for the entire area.

With regard to drainage revisions on overshoots over the Beardsley Canal, Supervisor Kunasek asked if the Flood Control District was confident that property owners downstream can be assured that upstream improvements won't have a negative impact on their properties. He said, "Do you consider things like that before allowing them to proceed by receiving Flood Control approvals?"

John Hathaway, head of the drainage review branch of the Flood Control District responded by saying that various issues are intertwined and there isn't a simple fix for the area. "This whole area is a siphon for an irrigation canal that is undersized and which consequently creates a backwater above the embankment of the canal. The result is a host of other problems, which include a serious threat of flooding for this development. He showed a graphic to illustrate this. Discussion ensued and ended with Mr. Hathaway saying that this plan would be regional in scope and should benefit all the property owners in the area.

Conversely, Mr. Witt said that the developer is being forced to bear all the costs of a widespread solution to problems on the District's lands since it controls most of the land in the area.

Supervisor Kunasek disagreed and indicated that there is a private landowner downstream with ownership predating the construction of the Beardsley Canal, whose property would also be affected. He said that it appears that what would happen is the collection of a lot of the water and focusing it right through the overshoot onto that individual's property. He asked if a greater burden was not being created for one person downstream than ever existed historically (predating the Beardsley Canal).

Mike Ellegood, Chief Engineer and General Manager of the Flood Control District, said that it is believed that by widening the overshoot the condition that existed prior to the Canal, with its narrow overshoot, will be restored. In making this modification there will be a resulting change "to how the water works" as less of it will be impounded and flooding duration will be less but the total quantity of water will be the same. He offered to meet with the property owner and explain the concept. He believes this plan will improve the overall situation in that area and also lead to a more regional solution.

Motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission for approval with stipulations "a" through "tt" as stated above, and with an additional modification to stipulation c.3 as follows:

- c.3. Any roadways constructed in compliance with stipulations c.1 or c.2 shall have alignments consistent with a county approved transportation plan in effect at the time of improvement. At the time of stipulation, such alignments include (a) Jomax Road to 163<sup>rd</sup> Avenue and continuing to Grand Avenue, (b) a connection to El Mirage Road and continuing to Loop 303 and continuing to either Bell Road or continuing to Lake Pleasant Road as necessary, or (c) connection from the intersection of Dysart Road and Happy Valley Road to Vistancia Boulevard, or (d) additional lanes on Vistancia Boulevard.

- 7.     **Z2000-183     District 4**  
       **Applicant:**     Mark Dioguardi for Rancho Cabrillo Development, L.L.C.  
       **Location:**     Southwest corner of the Jomax Rd. & Dysart Rd. alignments (in the Surprise/Peoria area)

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**Request:** Modification of Stipulations to the Zoning (Z2000183) - Rancho Cabrillo (590.50 ac.)

**COMMISSION ACTION:** Commissioner Jones moved to recommend approval of Z2000-183 subject to the following stipulations "a" through "q". Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall comply with the site plan entitled "Zone Change from Rural-43 to Planned Area Development and General Development Plan for Rancho Cabrillo", consisting of five full-size sheets, dated revised July 6, 2001, and stamped received September 28, 2001, except as modified by the following stipulations. A revised version shall be submitted within 30 days of Board of Supervisors approval to correct the "average area per dwelling unit" within the proposed R.U.P.D. Overlay zones.
- b. Development and use of the site shall comply with the bound narrative report entitled "Zone Change Rancho Cabrillo", consisting of 72 pages and 26 exhibits, dated revised July 6, 2001, and stamped received September 28, 2001, except as modified by the following stipulations. A revised version shall be submitted within 30 days of Board of Supervisors approval to correct the "average area per dwelling unit" within the proposed R.U.P.D. Overlay zones.
- c. Dedication of additional rights-of-way to bring the total half-width dedication to 65' for Jomax Road, Dysart Road and Litchfield Road and to 130' for Happy Valley Road shall occur prior to zoning clearance.
- d. All interior streets within the proposed development are to be constructed to minimum County standards.
- e. All parcels within the development shall have two all-weather access points.
- f. All outdoor lighting shall conform to Section 1110 of the Maricopa County Zoning Ordinance.
- g. When possible, all transformers, back-flow prevention devices, utility boxes and all other utility-related, ground-mounted equipment shall be painted to complement the development and shall be screened with landscape material where possible. All H.V.A.C. units shall be ground-mounted
- h. Proposed commercial sites within the development shall be subject to a Plan of Development (P.D.) overlay.
- i. The applicant shall be responsible for the development and maintenance of the Maricopa County Regional Trail (a 20' wide, multi-use recreational trail), along the McMicken Dam Outlet Channel, in an area from the Litchfield Road alignment to the Dysart Road alignment. To accomplish this, the applicant shall work with the Flood Control District of Maricopa County to obtain all necessary permits, fees and agreements. This stipulation shall not apply if the applicant is notified, in writing, by the Parks Department that there is no longer a need for such a trail.

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- j. If the development of the site (recorded final plat) has not occurred within five (5) years of the date of approval of this development by the Board of Supervisors, staff shall schedule this development for rehearing by the Planning and Zoning Commission to consider initiating a reversion of the property to its original zoning.
- k. Prior to development occurring outside of Phase One (as defined below), a flood control feature shall be constructed as per Flood Control District requirements. Phase One shall consist of (a) those areas on or about Parcels A, B, C, D, E and F shown on the site plan and (b) all onsite and offsite improvements and infrastructure relating to the development of said Parcels.
- l. A bond shall be posted with the Flood Control District for construction of the proposed flood control feature listed in stipulation 'k' prior to preliminary plat approval for any portion of the subject property other than Phase One.
- m. A floodplain use permit shall be obtained prior to development of any of the affected parcels.
- n. A Conditional Letter of Map Revision (CLOMR) shall be submitted prior to preliminary plat approval for any portion of the subject property other than Phase One.
- o. Noncompliance with the conditions of approval will be treated as a violation in accordance with the Maricopa County Zoning Ordinance. Further, noncompliance of the conditions of approval may be grounds for the Planning and Zoning Commission to take action in accordance with the Maricopa County Zoning Ordinance.
- p. The Board of Supervisors shall process major changes to the P.A.D./R.U.P.D. plan as a revised application, with approval upon recommendation of the Planning and Zoning Commission. Minor changes may be administratively approved by the Planning and Development Department.
- q. Not less than 15 acres shall be reserved for donation to the Peoria Unified School District to accommodate the projected need for one elementary school. Developer will continue to make this site available for 15 years after the Board of Supervisors' approval for the Rancho Cabrillo rezoning. In the event that the site is not developed within the 15-year period, or in the event that the Peoria Unified School District ever ceases to use the site, the developer may retain a right of reversion to the developer or the developer's assignee.

There being no questions, discussion or speakers for this item, motion was made by Supervisor Wilson, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the Planning Commission recommendation for approval subject to stipulations "a" through "q."

- 8. Z 99-07 District 3**  
**Applicant:** Joseph A. Longo, M.D.  
**Location:** South of the southwest corner of Dynamite Blvd. & 42nd St. (in the north Phoenix/Cave Creek area)  
**Request:** Revocation of a previously approved Special Use Permit (S.U.P.) for a riding and boarding stable in the Rural-43 zoning district - Longo Ranch (5 ac.)

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**COMMISSION ACTION:** Commissioner Aster made a motion to revoke the Special Use Permit Z 99-07. Commissioner Smith seconded the motion, which passed with a majority vote of 6-2, with Commissioners Pugmire and Gulbrandsen dissenting.

Joy Rich said that staff has received numerous complaints on this property during the two years this Special Use Permit has been in effect. The Planning Commission voted to recommend revocation of this permit. This originated as a zoning enforcement complaint in 1999. In July 2001, the Board approved a Special Use Permit. Non-compliance complaints began soon thereafter. Complaints specified the number of horses that were boarded, non-removal of manure resulting in an increase in flies and lack of dust control – all conditions stipulated to in the permit. Code enforcement staff worked with the applicant but compliance was not attained prior to the Planning Commission hearing. Following the hearing the site did appear to achieve compliance.

Dr. Joseph Longo, owner of the property, said that the problem was not with him but with his tenant who had leased the property. Subsequently, Dr. Longo had taken steps to have the tenant evicted and he got the property back on June 12, 2003. Since then all the trailers and all horses have been removed, as has the manure. The property has been cleaned up with any questionable fencing being removed or corrected. He said the inspector had reported the property as in compliance since June 13. He promised that he would no longer have tenants but would retain control of his property and have only his own horses housed on it. He asked that the Special Use Permit not be revoked as the problems have been remedied for as long as he owns the property.

Supervisor Kunasek verified that this permit was for 10 years, and then asked why he wanted to retain the Special Use Permit, since it was for a commercial facility, if he only planned to keep his own horses and would no longer lease or rent it out.

Dr. Longo replied that many residents on neighboring properties have commercial concerns there and have asked him to keep the permit to retain "the ambiance of the area."

Discussion ensued on the extent of the problem and for how long a period the problem had existed at an intolerable degree to his neighbors.

Supervisor Stapley asked Dr. Longo how long he had owned the property and the response was "ten years or so." A follow-up question asked what had originally prompted him to request a Special Use Permit. Dr. Longo's response was that his health had deteriorated and he was advised to get out of both his horse breeding and reconstructive surgery businesses and he had determined to lease it and had requested the permit at that time. Discussion ensued on different tenants he had leased it to over the years.

Supervisor Stapley said that a Special Use Permit is not a right but a privilege and that compliance hadn't been achieved until after the revocation process had begun despite the many complaints and attempts of staff to work with him. He concluded that the history of this property was not amenable to Dr. Longo's plea to keep the permit in the face of such a lengthy period of abuse. Supervisor Stapley explained, "We wouldn't be taking it away from you, you did that by your continued non-compliance during the two year period the permit was in effect."

In response to several clarifying questions, Ms. Rich said that there is no longer any stipulation with which Dr. Longo is in non-compliance.

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Rex Wager, resident, said that he disagreed with Dr. Longo's assessment and asserted that this process had begun in 1999 and that a variety of tenants had been on and off the property. He stated, "There's never been any dust control. There's never been proper manure management. Thousands of flies are destroying the neighborhood because of one individual who constantly rents his property out to people who aren't going to make it . . . they don't manage the property and Dr. Longo is aware of this. He's a sophisticated investor." Mr. Wager added that 20 dumpster loads of manure had been removed from the property before it could attain compliance, "enough to fill this chamber to the ceiling." He said that if this permit isn't revoked today, "he (Dr. Longo) goes back into business tomorrow." He explained that this is a residential neighborhood and indicated that he is aware of only one other property that has a Special Use Permit, and it is kept in compliance. He asked the Board to revoke Dr. Longo's Special Use Permit.

Supervisor Kunasek said that he usually looks to surrounding property owners for guidance on neighborhood issues that arise, and he had met with Mr. Wager and others and had told them that without compliance he would recommend that the permit be revoked. He explained that staff cannot be expected to make numerous trips to the site to assure continued compliance, which would be indicated because of the non-compliance pattern that had continued until very recently. Supervisor Kunasek noted that Dr. Longo had testified that the only horses housed on the property in the future would be his own, kept for personal use, and reiterated that no permit was necessary for that use. He felt there was no alternative in this matter except revocation of the permit and he warned others that such stipulated permits would continue to be upheld by the Board.

Supervisor Stapley commented that bad things happen sometimes in connection with renting or leasing to tenants but the property owner is the responsible party. He agreed that revocation was justified in this case, as the issue was as clear-cut as any he had ever seen. He explained, "If we don't enforce these, why waste our time on them?"

Motion was made by Supervisor Kunasek, seconded by Supervisor Stapley, and unanimously carried (5-0) to concur with the recommendation for revocation from the Planning Commission and to revoke the Special Use Permit issued to Dr. Longo as of this date.

- 9.        Z2002-098        District 5 - CONTINUED**  
**Applicant:**        Don Griffin for Sunrise International, L.L.C.  
**Location:**        Northeast corner of Vekol Valley Rd. (91st Ave. alignment) & I-8 (between Stanfield and Gila Bend)  
**Request:**        Rezone from Rural-190 to C-3 P.D. - Vekol Travel Center (39.45 ac.)

**COMMISSION ACTION:** Commissioner Munoz made a motion to deny Z2002-098. Commissioner Clayburg seconded the motion, which passed with a unanimous vote of 7-0.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this matter to the July 30, 2003, meeting.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to reconsider the continuance of this matter to the July 30, 2003, meeting.

Motion was made by Supervisor Wilcox, seconded by Supervisor Stapley, and unanimously carried (5-0) to continue this matter to the August 13, 2003, meeting.

- 10.        Z2002-104        District 3**  
**Applicant:**        Diane Knelson, Sketch Architecture for Robert Eaton

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**Location:** Surrounding the immediate southeast corner of Carefree Hwy. & 7th St. (in the Desert Hills area)  
**Request:** Major Amendment to a previously approved Plan of Development (Z 97-48A) in the C-2 P.D. zoning district, plus a C.U.P.D. Overlay Zone to allow an over-height wall - Tuscani Pointe (5.81 ac.)

**COMMISSION ACTION:** Commissioner Smith moved to recommend approval of Z2002-104, subject to stipulations "a" through "o". Commissioner Beckley seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development of the site shall comply with the site plan entitled "Precise Plan of Development for Tuscani Pointe Retail Shops" consisting of ten (10) full-size sheets, dated stamped by the architect February 14, 2003 and stamped received May 8, 2003, except as modified by the following stipulations.
- b. Development shall be consistent with the narrative report entitled "Tuscani Pointe, Retail Shops and Professional Offices", consisting of eight (8) pages, stamped received January 10, 2003, except as modified by the following stipulations.
- c. Prior to issuance of zoning clearance, the applicant shall seek review and comment from the applicable fire protection agency, and shall provide written confirmation that the site will be developed in accordance with their requirements.
- d. Dedication of additional right-of-way to bring the total half-width dedication to 100' for Carefree Highway and 65' for 7th Street shall occur prior to zoning clearance.
- e. Development of the site shall include half-street improvements (including paving, curb, gutter and sidewalk) to ultimate width for Carefree Highway and 7th Street along the perimeter of the site.
- f. Any landscaping in County right-of-way must meet MCDOT Roadway Design Standards. Prior to issuance of any permits for development of the site, the applicant/property owner shall obtain the necessary encroachment permits from Maricopa County Department of Transportation for landscaping or other improvements in the right-of-way.
- g. Construction or grading for this project shall not be granted until designs for onsite and offsite water distribution, and designs for temporary wastewater collection, treatment, and disposal are approved by the Maricopa County Environmental Services Department. Permanent services for wastewater treatment and disposal shall be solely by the Desert Hills Sanitary Improvement District.
- h. Prior to issuance of a drainage clearance, a Floodplain Use Permit must be obtained from the Regulatory Division of the Flood Control District of Maricopa County. Prior to issuance of the Floodplain Use Permit, the owner shall be responsible for submitting a drainage report.
- i. Prior to development, final plans and drainage report to be submitted for acceptance and approval by the Flood Control District of Maricopa County.



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- j. An archeological survey shall be submitted to and approved by the Arizona State Historic Preservation Office prior to Zoning Clearance. The applicant must contact the state office prior to initiating disturbance of the site. The applicant shall provide the Planning and Development Department with written proof of compliance with this stipulation.
- k. All outdoor lighting shall conform to the Maricopa County Zoning Ordinance.
- l. If the property to the immediate east obtains commercial zoning under pending application Z2002132, the applicant shall accommodate a 25' driveway connecting the two properties as depicted as an option on the site plan.
- m. Major changes to this Plan of Development (the site plan and narrative report) shall be processed as a revised application in the same manner as the original application. With final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Minor changes may be administratively approved by staff of the Planning and Development Department.
- n. Noncompliance with the Plan of Development (the site plan and narrative report) conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- o. A commercial Unit Plan of Development (C.U.P.D.) Overlay Zone is applied to the site and will allow an 8' high buffer wall along the southern boundary.

Joy Rich outlined the Commission action on this item, saying the members had only reworded one stipulation, otherwise it would have been on the Consent Agenda.

Motion was made by Supervisor Kunasek, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission subject to stipulations "a" through "o."

- 11. Z2002-167 District 1**  
**Applicant:** Blake Custer for Clear Channel Outdoors  
**Location:** South of the Frye Rd. alignment, east of 54th St. (in the Chandler area)  
**Request:** Special Use Permit (S.U.P.) for the relocation of a billboard structures in the Rural-190 zoning district - Clear Channel Outdoors (0.23 ac.)

**COMMISSION ACTION: Commissioner** Beckley moved to recommend approval of Z2002-167, subject to stipulations "a" through "o". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "54th Street & Frye Road – Adjacent to San Tan Freeway". Consisting of one (1) full-size sheet, stamped received December 26, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Special Use Permit Application for the purpose of Re-Erection of a Billboard Removed by Governmental Action. – 54th Street and Frye Road Adjacent to

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San Tan Freeway..."consisting of four (4) pages, stamped received December 26, 2002, except as modified by the following stipulations.

- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Planning and Development Department staff may administratively approve minor changes.
- d. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- f. This Special Use Permit shall expire 50 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- g. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. Non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance, including revocation of the Special Use Permit.
- i. The billboard and all attachments shall be limited to a maximum overall height of 25' above grade (adjacent ground level).
- j. The billboard shall be limited to a maximum sign face area of 672 sq. ft. (single-side face).
- k. The billboard shall meet setbacks as per Art. 903.4 Yard regulations zoning district standards.
- l. Driveway must be paved within County right-of-way. Driveway and parking space must meet EPA requirements for dust control at the discretion of MCDOT and MCESD.
- m. All lighting shall comply with Article 1112 of the Maricopa County Zoning Ordinance.
- n. Erection of the subject billboard shall be in compliance with the conditions outlined in Article 1301.1.41.1-6 of the Maricopa County Zoning Ordinance.

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Joy Rich reported on transactions taking place at the Planning Commission in this matter and said that two issues had been pinpointed: the height of the sign (stipulation "j") and the length of time permitted – from 10-50 years or an indefinite period as favored by the applicant (stipulation "g").

Mr. Rod Jarvis, appearing for the applicant, said there was one more thing to clarify for the record with regard to sign size and asked for the inclusion of temporary extensions of around five feet beyond the normal sign area to maintain the integrity of pictures included on the sign. In response to a question from the Chairman on the need for an indefinite use period, Mr. Jarvis said they want to maintain what they've always had. These billboards have to be moved because of a condemnation action by the government and the applicant is being forced to relocate the signs and is not being reimbursed for the trouble. Limiting this permit to a number of years certain is less than what they originally had and he does not believe that is the intent of the ordinance.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation for approval from the Planning Commission with stipulations "a" through "o" and to reflect the change in stipulation "j" to 68.5 feet above grade and allowing an added temporary embellishment of up to five feet per sign, and to also amend the time duration in stipulation "g" to "indefinite" rather than a set number of years, as follows:

- g. This is an indefinite Special Use Permit without expiration. ~~shall expire 50 years from the date of approval by the Board of Supervisors. However, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first all~~ All of the site improvements shall be removed within 60 days ~~of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.~~
- j. The billboard and all attachments shall be limited to a maximum overall height of ~~25'~~ 68.5' above grade (adjacent ground level). This requirement does not preclude temporary extensions or sign embellishments of up to 5' in additional height.

- 12. Z2002-168 District 1**
- Applicant:** Blake Custer for Clear Channel Outdoors for Arizona Department of Transportation
- Location:** Approx. 3,900' south of Chandler Blvd., on the east side of I-10 – northwest of the northwest corner of Pecos Rd. & Weber Dr. (in the Chandler area)
- Request:** Special Use Permit (S.U.P.) for the relocation of a billboard in the IND-3 zoning district - Clear Channel Outdoors (6,433 sq. ft.)

**COMMISSION ACTION:** Commissioner Beckley moved to recommend approval of Z2002168, subject to stipulations "a" through "m". Commissioner Harris seconded the motion, which passed with a unanimous vote of 9-0.

- a. Development and use of the site shall be in substantial conformance with the site plan entitled "I-10 & Pecos – Adjacent to San Tan Freeway". Consisting of one (1) full-size sheet, stamped received December 26, 2002, except as modified by the following stipulations.
- b. Development and use of the site shall be in substantial conformance with the narrative report entitled "Special Use Permit Application for the Purpose of Re-Erection of a Billboard Removed by Government Action..." consisting of four (4) pages prepared by

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Gallagher & Kennedy, P.A. and stamped received December 26, 2002, except as modified by the following stipulations.

- c. Major changes to this Special Use Permit (site plan and narrative report) shall be processed as a revised application in the same manner as the original application, with final determination made by the Board of Supervisors following recommendation by staff and the Planning and Zoning Commission. Staff of the Planning & Development Department may administratively approve minor changes.
- d. Non-compliance with the Special Use Permit (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.
- e. Prior to construction a drainage clearance must be obtained from the Flood Control District of Maricopa County.
- f. This Special Use Permit shall expire 50 years from the date of approval by the Board of Supervisors, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first. All of the site improvements shall be removed within 60 days of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.
- g. Non-compliance with the regulations administered by the Maricopa County Environmental Services Department, Maricopa County Department of Transportation or the Flood Control District of Maricopa County may be grounds for initiating a revocation of this Special Use Permit as set forth in the Maricopa County Zoning Ordinance.
- h. Non-compliance of the conditions of approval may be grounds for the Commission to take action in accordance with the Maricopa County Zoning Ordinance, including revocation of the Special Use Permit.
- i. The billboard and all attachments shall be limited to a maximum overall height of 25' above grade (adjacent ground level).
- j. The billboard shall be limited to a maximum sign face area of 672 sq. ft. (single-side face).
- k. The billboard shall meet setbacks as per C-2 zoning district standards.
- l. Driveway must be paved within County right-of-way. Driveway and parking space must meet EPA requirements for dust control at the discretion of MCDOT and MCESD.
- m. All lighting shall comply with Article 1112, M.C.Z.O.

Joy Rich gave the history for this case as it pertained to Planning Commission action. She indicated that the height in stipulation "i" should be changed from 25 feet to 55 feet with 5 foot embellishments and sign extensions and the time limit stipulation "f" should also be removed in this case, as in the previous case.

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Supervisor Stapley remarked that while he is not a “fan” of billboards he does believe that they can be a definite boon to the small business owner because they are much more affordable than other forms of advertising.

Motion was made by Supervisor Stapley, seconded by Supervisor Kunasek, and unanimously carried (5-0) to concur with the recommendation from the Planning Commission for approval with stipulations “a” through “m” and the modification to stipulation “f” and “i” as given below.

- f. This is an indefinite Special Use Permit without expiration. ~~shall expire 50 years from the date of approval by the Board of Supervisors. However, upon expiration of the lease to the applicant(s), or upon termination of the use, whichever occurs first all.~~ All of the site improvements shall be removed within 60 days ~~of such termination or expiration. Any request for an extension shall be made at least six months prior to the expiration date.~~
- i. The billboard and all attachments shall be limited to a maximum overall height of 25' 55' above grade (adjacent ground level). This requirement does not preclude temporary extensions or sign embellishments of up to 5' in additional height.

- 13. Z2003-047 District 1**  
**Applicant:** Diane Skorniak  
**Location:** 25619 S. 183rd Place – on the west side of Power Road between Riggs Road and San Tan Boulevard (in the Chandler Heights area)  
**Request:** Rezone from C-3 to R-4 (39,655 sq. ft.)

**COMMISSION ACTION:** Commissioner Barney moved to recommend approval of Z2003-047, subject to the following stipulations “a” through “c”. Commissioner Harris seconded the motion, which passed with a unanimous vote of 7-0.

- a. Development and use of the site shall be in general compliance with the site plan, untitled, consisting of one 8” x 14” sheet, undated but stamped received May 5, 2003 except as modified by the following stipulations.
- b. All outdoor lighting shall conform with the Maricopa County Zoning Ordinance.
- c. Non-compliance with the plan of development (the site plan and narrative report) or the conditions of approval will be treated as a violation in accordance with provisions of the Maricopa County Zoning Ordinance.

Joy Rich explained that this case concerns an existing family home that has two zoning designations running through the property creating a C-3 zone on one portion and a R-4 zone on the other portion of their parcel. This zoning demarcation creates a de-facto property line by which setbacks are measured. The family learned about this zoning anomaly when they wanted to build a pool in their backyard. This rezoning action is recommended for approval by staff and the Planning Commission.

Motion was made by Supervisor Stapley, seconded by Supervisor Wilcox, and unanimously carried (5-0) to concur with the recommendation of the Planning Commission for approval subject to stipulations “a” through “c.”

**MEETING ADJOURNED**

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There being no further business to come before the Board, the meeting was adjourned.

\_\_\_\_\_  
Fulton Brock, Chairman of the Board

ATTEST:

\_\_\_\_\_  
Fran McCarroll, Clerk of the Board